

July 1, 2021

PRESIDENT BIDEN STRIKES A \$1.2 TRILLON STIMULUS DEAL

You received an update on June 25th that highlighted a breakthrough on the much-anticipated federal infrastructure funding. Whether through a stimulus package, base bills, or both, several items we have been advocating for have the real potential to significantly boost water infrastructure construction spending and more.

Last week's announcement from President Biden on a bipartisan infrastructure package was met with disagreement from the extremes of both parties. The agreement focuses on investments in roads, railways, bridges and broadband internet, but it does not include investments Biden has referred to as "human infrastructure," including money allocated for childcare and tax credits for families.

The attached report from Key Advocates highlights what's included in the agreement and the plan to pay for the \$1.2 Trillion / 8 Year plan with more than \$500 billion in new spending. In addition, Sante Esposito has provided a comparison to the President's original proposal. Here's a look at what's included in the agreement for water and "other" related infrastructure, according to the White House fact sheet:

Water and "other" infrastructure: \$266 billion in Total

Water: \$55 billion Broadband: \$65 billion Environmental remediation: \$21 billion Power, including grid authority: \$73 billion Western water storage: \$5 billion Resilience: \$47 billion

The measure is expected to be taken up when Congress reconvenes in early July and will face opposition from factions of both parties. Senate Majority Leader Chuck Schumer and House Speaker Nancy Pelosi met with White House officials and have signaled some support for the bipartisan framework. However, they have also stated they will only advance the bill alongside a second agreement addressing additional progressive priorities such as childcare and other "human infrastructure" policies. Senate Minority Leader, Mitch McConnell is reported to be undecided, but "remains open minded" about the deal.

We look forward to seeing the details of this landmark package and will keep you updated as it progresses.

CONGRESS CONTINUES TO ADVANCE BASE FUNDING BILLS

In addition to the stimulus package, both houses of Congress have been working to advance infrastructure base funding bills, with the House expected to hold a floor vote next week on the INVEST In America Act, which is inclusive of both transportation and water infrastructure.

For water infrastructure, the House Energy and Commerce Committee bill includes \$53 billion for the Drinking Water State Revolving Fund and \$45 billion to replace lead service lines, as well as \$40 billion for the Clean Water State Revolving Fund. In the upper chamber, as previously reported, the Senate Environment and Public Works Committee in May advanced a surface transportation reauthorization bill that would increase funding by about 34% over FAST Act to a baseline of \$303.5 billion over five years.

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WATER CONSTRUCTION WATER CONSTRUCTION COALITION

Just a few weeks prior, the full Senate also passed S.941, "Drinking Water and Wastewater Infrastructure Act of 2021" which reauthorizes the Clean Water and Drinking Water State Revolving Funds at \$3.25 billion annually over five years for a total of \$14.65 billion.

While very different in size and scope, both the Senate and House proposals represent an increase in funding for water (and transportation) infrastructure. Much remains to be seen in how the two chambers will reconcile their numbers, but one thing is certain: there will be a great deal of negotiation before either the stimulus bill or the base bills are passed in full.

FY 2022 BUDGET – INFRASTRUCTURE FUNDING

As previously reported, President Biden released a <u>\$6 Trillion budget for fiscal year 2022</u>, which includes new details on his previously proposed American Jobs Plan (AJP).

- Funding for water infrastructure would be increased under the proposal, including:
- \$1.36 billion for the Drinking Water State Revolving Fund (\$1.13 billion in FY21)
- \$1.87 billion for the Clean Water State Revolving Fund (\$1.64 billion in FY21)
- \$72.2 million for the Water Infrastructure Finance and Innovation Act (WIFIA) program (\$59.5 million in FY21)
- \$81.5 million for Reducing Lead in Drinking Water grants, which help communities and low-income homeowners replace lead service lines (\$21.5 million in FY21)
- For transportation, the budget proposal would maintain existing funding levels for core highway, transit, and airport programs, and calls for a modest increase to transit construction by way of Capital Improvement Grants. It is worth noting that when coupled with the AJP, the proposal does represent a 5-year funding plan; however, it does not contain a full policy proposal for a surface transportation reauthorization bill, nor does it address projected shortfalls in the Highway Trust Fund. Included in the proposed budget:
- \$47 billion for Federal Highway
- \$12.5 billion for Public Transportation
- \$3.3 billion for the Airport Improvement Program

Senate Republicans released a second counter proposal to the AJP, this time upping the ante to \$928 billion, which is a significant step forward from their <u>initial \$568 billion offering</u> in late-April. The Republican proposal includes the Surface Transportation Reauthorization Act of 2021, a multi-year funding bill unanimously approved May 26 by the Senate Environment and Public Works Committee that increases highway, road, and bridge funding by 34% over baseline. The shift comes days after Biden <u>offered to cut</u> <u>\$550 billion</u> from his original proposal, moving the two sides closer than they have ever been, and showing genuine negotiations between the two sides. The Senate Republican counter proposal includes:

- \$506 billion for roads, bridges and major projects a \$91 billion increase
- \$65 billion for broadband
- \$48 billion for water infrastructure
- \$25 billion for airports
- \$22 billion for freight and passenger rail

Although there is still a large gap between them, both proposals bring us closer to some sort of funding package and give hope that the long-promised investment will finally come to fruition. One place where the conversation continues to diverge is in how the plans would be paid for. President Biden has proposed increased taxes on large corporations and high-earning individuals, while the Senate GOP is looking to repurpose existing COVID-19 funds, an approach that White House officials have repeatedly rejected.

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The advancement of both proposals is encouraging, although many challenges still remain. No matter what form it takes, an infrastructure investment at the scale of either proposal would be transformative for the nation and a boon for the construction industry. The CWCC will continue to advocate for increased funding for the SRF and other critical programs.

What's next: The President's budget begins the annual appropriations process and serves as an outline for Congress of the Administration's spending priorities for the upcoming fiscal year. The budget is a proposal, and final investment decisions will be negotiated between Republicans and Democrats in the coming months.

President Biden and Senator Shelley Moore Capito (R-W.Va.), the top GOP negotiator, are expected to meet again in early June. The House Transportation & Infrastructure Committee is scheduled to consider infrastructure legislation on June 9, which includes its highway and public transportation reauthorization proposal.

STAY TUNED – CWCC BUSINESS MEETING IN SEPTEMBER

Plans are underway and will be shared shortly to hold a CWCC Business Meeting concurrent with the Utility Expo on or around **September 28-29, 2021 in Louisville, Kentucky.** This event is operated in partnership with and held concurrently with the Association of Equipment Manufacturers' national event, The Utility Expo (formally known as ICUEE): https://www.theutilityexpo.com/

Partnering with Planet Underground, the CWCC and its members have been presented with an opportunity to coordinate with them to have a CWCC Business meeting and potential to generate revenue for the Coalition and its members. The potential revenue would consist of a 20% commission for the acquisition of sponsorships for the event specifically targeting utility contractors, with a majority of the commission going to your association.

Event Description

The Planet Underground aspects of the Expo branded "The Jobsite" represents the first-ever opportunity for service-based companies to directly participate in The Utility Expo. Consisting of 80,000 square feet of outdoor space dedicated to creating an actual construction site, this event is used for promotion of safe work and damage prevention practices through peer-to-peer education. It is a networking event where food and refreshments can be enjoyed in a casual, nontraditional setting.

Due to their agreement with the Association of Equipment Manufacturers, sponsorship is limited to service provider organizations, such as utility contractors. Sponsorship acquisition efforts would be directed at Clean Water Construction Coalition member organizations.

The Jobsite is a construction site. Sponsoring firms must have operating personnel in attendance. In most all cases, the equipment and supplies will be provided by companies exhibiting at The Utility Expo. *The Jobsite* is the only location within the 30-acre indoor and outdoor event site to have complete integration of sponsor activities. With its own food and refreshment centers, *The Jobsite* is a unique event allowing sponsoring organizations to network with their customers, potential customers, and suppliers in a relaxed environment.

KEY ADVOCATES REPORT

Included with this notice is Key Advocates recent report which is current to the end of June.

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July 2021 Insights

Infrastructure: Status

On June 24, after weeks of negotiations, President Biden and a bipartisan group of senators announced a deal on infrastructure spending. The agreement focuses on investments in roads, railways, bridges and broadband internet, but it does not include investments Biden has referred to as "human infrastructure," including money allocated for child care and tax credits for families.

According to the White House, the price tag comes in at \$1.2 trillion over eight years, with more than \$500 billion in new spending. How the measure would be paid for was a central point in negotiations, with Republicans opposed to undoing any of the 2017 tax cuts. The bipartisan deal is just the beginning of what could be a long and difficult process. Biden told reporters that he will not sign any legislation unless it is paired with a separate bill to address other elements of his broader infrastructure proposal.

Here's a look at what's included in the agreement, according to the White House fact sheet:

Transportation: \$312 billion

Roads, bridges, major projects: \$109 billion Safety: \$11 billion Public transit: \$49 billion Passenger and freight rail: \$66 billion Electric vehicles: \$7.5 billion Electric buses/transit: \$7.5 billion Reconnecting communities: \$1 billion Airports: \$25 billion Ports and waterways: \$16 billion Infrastructure financing: \$20 billion

Other infrastructure: \$266 billion

Water: \$55 billion Broadband: \$65 billion Environmental remediation: \$21 billion Power, including grid authority: \$73 billion Western water storage: \$5 billion Resilience: \$47 billion

How would they pay for it?

The White House said the plan will be paid for with unused coronavirus relief funds, unused unemployment insurance and sales from the Strategic Petroleum Reserve, among other measures. Here's a full look at the sources they've proposed, according to the fact sheet:

- Reduce the IRS tax gap.
- Unemployment insurance program integrity.
- Redirect unused unemployment insurance relief funds.
- Repurpose unused relief funds from 2020 emergency relief legislation.
- State and local investment in broadband infrastructure.
- Allow states to sell or purchase unused toll credits for infrastructure.
- Extend expiring customs user fees.
- Reinstate Superfund fees for chemicals.
- 5G spectrum auction proceeds.
- Extend existing spending restraints over mandatory government programs.
- Strategic Petroleum Reserve sales.
- Public-private partnerships, private activity bonds, direct pay bonds and asset recycling for infrastructure investment.
- The expectation that infrastructure investment will generate economic growth.

Infrastructure: Biden Original Proposal

The original proposal at \$2.25T includes the following: \$621B for highways (\$115B to modernize 20,000 miles of highways, roads, and main streets) and bridges (to fix the most economically significant large bridges and repair the worst 10,000 smaller bridges), highway safety (\$20B), transit (\$85B for modernization and system expansion), rail (including \$80B for Amtrak's repair backlog and to modernize the Northeast Corridor), ports and inland waterways and ferries (\$17B), airports (\$25B); electric vehicles (\$174B to accelerate the shift to electric vehicles, consumer rebates and tax incentives to buy American-made electric vehicles, a new grant and incentive program to build a national network of 500,000 charging stations by 2030, replace 50,000 diesel transit vehicles, and electrify at least 20% of yellow school buses); \$300B for housing; \$300B to booster U.S. manufacturing including \$50B for semiconductor manufacturing and \$30B for medical manufacturing; \$400B for elderly and disabled care; expand access to long-term Medicaid care services; give caregiving workers the opportunity to join a union; \$213B for housing including building and rehabilitating more than 50,000 homes for low and middle income homebuyers; \$180B for research in critical technologies; \$111B for water infrastructure to replace all lead pipes and service lines and to upgrade clean water, drinking water, wastewater and storm water systems; \$100B to build new schools and upgrade existing buildings, \$12B for community colleges infrastructure needs; \$25B to upgrade child care facilities; \$100B for broadband; \$100B for workforce development including \$40B to retain dislocated workers; and, \$18B to modernize Veterans Affairs' hospitals and \$10B to modernize federal buildings.

H.R.1015, the "Water Recycling Investment and Improvement Act" and the STREAM Act: "Support to Rehydrate the Environment, Agriculture, and Municipalities Act"

On February 11, Congresswoman Napolitano introduced H.R.1015, the same bill she introduced last Congress. It increases the WIIN Act authorization to \$500M, strikes certain requirements,

and increases the Federal share from \$20 to \$30 M. Last Congress, her bill did not move on its own but was included in H.R.2, the omnibus mega infrastructure bill that passed the House but not the Senate. A hearing is expected in the near future.

A draft by Senator Feinstein for which letters of support/comments were requested by April 15 – these are currently being reviewed. The Coalition sent a support letter noting the reauthorization of the Title XVI competitive grant program of \$250 million over 5 fiscal years, the increase in the per project maximum Federal funding contribution to \$30 million, and the elimination of the requirement that Congress must approve funding awards for specific projects through designating them by name in an enacted appropriations bill, the newly proposed Reclamation Infrastructure Finance Program and increased funding for, and expedited congressional approval for water shortage projects of \$750 million, and \$100 million for desalination projects, both over 5 fiscal years. This draft is viewed as the "son of S. 1932" which stalemated last Congress. The goal of this legislation is with Senate passage to conference with H.R.1015, the Napolitano bill, with the outcome hopefully closer to the higher Napolitano funding bevels.

S. 914, "Drinking Water and Wastewater Infrastructure Act of 2021" and H.R. 1915, "Water Quality Protection and Job Creation Act of 2021"

On April 28, the Senate passed the bill which provides \$14.65B over five fiscal years for the Clean Water SRF and \$125M for the AWSP.

On July 1, the House is expected to pass H.R. 3684, the "INVEST in America Act" - the House version of the highway bill. Included in that bill is H.R. 1915 which provides \$40B over five fiscal years for the Clean Water SRF and \$1B for the AWSP. It also includes reauthorization of the Safe Drinking Water SRF at \$52.94B over ten fiscal years starting in FY22 (H.R. 3291).

In the Senate, the Environment and Public Works Committee and the Commerce Committee have reported their versions of the highway bill. The Banking and Finance Committees have yet to act.

H.R. 3404, the FUTURE Western Water Infrastructure and Drought Resiliency Act

On May 21, Congressman Huffman introduced the FUTURE Act (with 10 cosponsors, all CA Dems), the same bill he drafted last Congress and which was included in H.R. 2. The bill increases the authorization of the Title XVI WIIN grant program to \$500M and the Federal cap share from \$20M to \$30M – per the Napolitano bill above. It also includes a \$300M water trust fund with \$100M earmarked for recycled water projects. Plans going forward unclear at this time.

H.R. 4099, the "Large Scale Water Recycling Project Investment Act"

On June 24, Reps. Napolitano, Grijalva, Huffman and Lee introduced the above bill which establishes a competitive grant program within the Department of the Interior for large-scale water recycling projects that have a total estimated cost of at least \$500M. The bill authorizes \$750M for the program from FY 23-27. Federal share is 25% but there is provision for increasing that. Projects must be within one of the USBR 17 western states. I **Senate Highway Bill**

On May 26, the Senate Environment and Public Works Committee marked up its portion of the FAST Act reauthorization. It is substantially similar to the bill, S. 3202, that EPW approved on a bipartisan basis and unanimously nearly two years ago. That bill authorized \$287B in highway spending, 90- percent of which would be distributed to the states by formula. The bill featured a title on climate change that authorized \$10.8B for various programs addressing resiliency and \$1B (note the new bill increases that to \$2.5B) for electric, hydrogen, and natural gas vehicle charging and fueling stations. It provided billions for curbing emissions, reducing congestion and truck idling. It also streamlined infrastructure permitting and set a two-year target for environmental reviews. Lastly, the bill authorized \$12.5M per year to fund state and reginal pilot testing of user-based alternative revenue mechanisms to the gas tax. Action by other Senate committees of jurisdiction – primarily Banking, Finance and Commerce – is pending.

House Highway Bill

On July 1, the House is expected to pass the Transportation and Infrastructure Committee's "INVEST in America Act" a five-year \$547B surface transportation reauthorization bill that includes \$343B for roads, bridges and safety (\$32B for bridge funding to ensure bridges in communities of all sizes are safer, more reliable, and more resilient; \$4B in electric vehicle charging infrastructure; \$8.3B for activities targeted to reduce carbon pollution; and, \$6.2B for mitigation and resiliency improvements); \$109B for transit (scales up investment in zero-emission transit vehicles and streamlines the Capital Investment Grant program) and, \$95B for passenger and freight rail (\$32B for Amtrak; funding for corridor planning and development of high-speed rail projects; and, improves rail safety by addressing highway-rail grade crossings needs, requiring additional rail safety inspectors, addressing trespasser and suicide fatalities, and eliminating gaps in railroad safety).

Biden FY22 Transportation Budget

DOT's discretionary resources are only a fraction of the Department's total budgetary resources. The majority of DOT's financial assistance to States, localities, and transportation authorities is provided through mandatory funding derived from the Highway Trust Fund, as part of multiyear surface transportation authorizations. The current authorization, the Fixing America's Surface Transportation Act, expires at the end of 2021.

- Rail: \$625 million for a new passenger rail competitive grant program and \$375 million for Consolidated Rail Infrastructure and Safety Improvement grants to improve rail safety.
- Amtrak: \$2.7 billion for improvements and expansion on the Northeast Corridor and throughout the Nation's passenger rail network.
- Transit: \$2.5 billion for the Capital Investment Grant program to improve accessibility to high-quality transit.
- Buses: \$250 million for grants for transit agencies to purchase low-no-emission buses.
- Communities Initiative Pilot: \$110 million for grants and technical assistance to communities to improve access to destinations and foster community vibrancy.
- Competitive Infrastructure Grant Programs: \$1 billion for the Better Utilizing Investments to Leverage Development (BUILD) grant program for innovative surface transportation infrastructure projects.
- Air Traffic Safety and Efficiency: For managing the national airspace system and to improve aviation safety.
- Merchant Mariners: Funds to purchase the fifth and final State maritime academy training vessel within the Maritime Administration.

• Civil Rights Enforcement: Increases funding for the Office of Civil Rights to further the President's equity agenda.

Bill Tracking

Environment

Summaries and updates included as available.

<u>H.R.1660</u> — 117th Congress (2021-2022)

To make certain municipalities eligible for grants under the Federal Water Pollution Control Act, and for other purposes.

Sponsor: <u>Rep. Trahan, Lori [D-MA-3]</u> (Introduced 03/08/2021) Cosponsors: (<u>4</u>) Committees: House - Transportation and Infrastructure Latest Action: House - 03/09/2021 Referred to the Subcommittee on Water Resources and

H.R.1563 — 117th Congress (2021-2022)

To extend the authorities under the Water Infrastructure Improvements for the Nation Act of 2016 providing operational flexibility, drought relief, and other benefits to the State of California.

Sponsor: <u>Rep. Garcia, Mike [R-CA-25]</u> (Introduced 03/03/2021) Cosponsors: (<u>10</u>) Committees: House - Natural Resources; Science, Space, and Technology Latest Action: House - 03/03/2021 Referred to the Committee on Natural Resources, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker.

This bill extends the authority of certain federal agencies to provide support for western water infrastructure and extends consultation requirements concerning projects in California. Specifically, the bill extends through 2028 the authority of the Bureau of Reclamation to provide support for projects in certain western states related to federal or state-led water storage, water desalination, and water recycling and reuse. It also extends provisions specific to California, including drought relief and the operations of the Central Valley Project (a hydropower and water management project in California that is operated by Reclamation). Further, the bill extends through 2033 consultation requirements concerning biological assessments and the coordinated operations of the Central Valley Project and the State Water Project in California.

<u>H.R.1881</u> — 117th Congress (2021-2022)

To amend the Federal Water Pollution Control Act with respect to permitting terms, and for other purposes.

Sponsor: <u>Rep. Garamendi, John [D-CA-3]</u> (Introduced 03/12/2021) **Cosponsors:** (5) **Committees:** House - Transportation and Infrastructure

Latest Action: House - 03/15/2021 Referred to the Subcommittee on Water Resources and Environment.

This bill revises the National Pollutant Discharge Elimination System (NPDES) program. Under the program, the Environmental Protection Agency issues permits to discharge pollutants into waters of the United States. The bill extends the maximum term for NPDES permits issued to states or municipalities from 5 to 10 years.

<u>H.R.2952</u> — 117th Congress (2021-2022)

To amend the Federal Water Pollution Control Act to require a certain percentage of funds appropriated for revolving fund capitalization grants be used for green projects, and for other purposes.

Sponsor: <u>Rep. Williams, Nikema [D-GA-5]</u> (Introduced 04/30/2021) Cosponsors: (<u>0</u>) Committees: House - Transportation and Infrastructure

Latest Action: House - 05/03/2021 Referred to the Subcommittee on Water Resources and Environment

<u>H.R.2979</u> — 117th Congress (2021-2022)

To amend the Water Infrastructure Finance and Innovation Act of 2014 with respect to the final maturity date of certain loans, and for other purposes. [EP] Sponsor: Rep. Garamendi, John [D-CA-3] (Introduced 05/04/2021) Cosponsors: (2) [EP] Committees: House - Transportation and Infrastructure; Energy and Commerce [EP] Latest Action: House - 05/05/2021 Referred to the Subcommittee on Water Resources and Environment. [EP] Sponsor: [EP

<u>S.916</u> — 117th Congress (2021-2022)

Water Affordability, Transparency, Equity, and Reliability Act of 2021 Sponsor: Sen. Sanders, Bernard [I-VT] (Introduced 03/23/2021) Cosponsors: (3) SpCommittees: Senate -Environment and Public Works SpCommittees: Senate - 03/23/2021 Read twice and referred to the Committee on Environment and Public Works

Same summary as the next bill.

SEP

<u>H.R.1352</u> — 117th Congress (2021-2022)

Water Affordability, Transparency, Equity, and Reliability Act of 2021 Sponsor: <u>Rep.</u> Lawrence, Brenda L. [D-MI-14] (Introduced

02/25/2021) Cosponsors: (81) EPC Committees: House - Transportation and Infrastructure; Energy and Commerce; Ways and Means; Agriculture EPC Latest Action: House - 04/05/2021 Referred to the Subcommittee on Conservation and Forestry

This bill increases funding for water infrastructure, including funding for several programs related to controlling water pollution or protecting drinking water. Specifically, it establishes a Water Affordability, Transparency, Equity, and Reliability Trust Fund. The fund may be used for specified grant programs. The bill increases the corporate income tax rate to 24.5% to provide revenues for the fund. In addition, the bill revises requirements concerning the clean water state revolving fund (SRF) and the drinking water SRF. It also creates or reauthorizes several grant programs for water infrastructure.

<u>H.R.3282</u> — 117th Congress (2021-2022)

To reauthorize funding for drinking water programs under the Safe Drinking Water Act and America's Water Infrastructure Act of 2018, and for other purposes. Sponsor: <u>Rep. McKinley, David B. [R-WV-1]</u> (Introduced 05/17/2021) Cosponsors: (2) Committees: House - Energy and Commerce; Transportation and Infrastructure

<u>H.R.3701</u> — 117th Congress (2021-2022)

To establish water infrastructure grant programs.

Sponsor: <u>Rep. Delgado, Antonio [D-NY-19]</u> (Introduced 06/04/2021) **Cosponsors:** (<u>4</u>) **Committees:** House - Transportation and Infrastructure; Energy and Commerce