

CREWS 2021 Policy Outlook Rundown

In 2021, a new Congress and incoming Biden Administration will likely take numerous policy and legislative actions that present opportunities for us to advance our priorities. These actions will also help inform us of what the next two years could look like for water, wastewater, and flooding policy and how much emphasis will be placed on equity. The potential actions we are tracking can be broken down into three main areas: **Economic Stimulus; Priority Legislative Items Congress Must Pass; and Executive Actions.**

- **Economic Stimulus-**

- Discussions have been ongoing on a possible stimulus bill that deals with the wider economic recession caused by the pandemic. **It is believed that this economic stimulus would be an infrastructure package taken up sometime next year.**
- Infrastructure legislation is viewed as a way to create jobs and bolster the economy, and AFC views these investments and resources as an opportunity to enhance the resilience of our communities against flooding, and drive investment equitability in frontline communities. An infrastructure package would likely also include investments to upgrade our nation's aging water, and storm and wastewater infrastructure.
- Earlier this year, House Democrats passed a **\$1.2 trillion**, comprehensive infrastructure package, the Moving Forward Act (H.R.2),¹ that will likely be used by Democrats and the Biden Administration as the starting point for negotiations next year on an infrastructure package. Included within H.R.2 were major investments in water, wastewater, and flood control projects.
 - H.R.2 also included numerous provisions that have the potential to promote the equitable distribution of these resources to help all communities recover from the recession. Examples of these provisions include: set-asides for smaller, rural, tribal, and underserved communities; allocations for technical assistance for communities; and resources meant exclusively for low-income communities.
- As a result of the election, Democrats will control the White House, but will have a smaller Majority in the House and a narrow Senate of between 48 and 50 members. While this means that any infrastructure stimulus will be a compromise that is not as expansive as H.R.2, AFC still sees this as an opportunity for us to advance water, wastewater, and flood control policies that have a history of bi-partisan support.

- **Priority Legislative Items Congress Must Pass-**

- In addition to passing legislation to deal with the pandemic, next year Congress will have to pass several "must-pass" legislative items that will be opportunities to advance water, wastewater, and flooding policy that include strong equity provisions. These items are- legislation to fund the government in fiscal year (FY) 2022, a reauthorization of federal surface transportation programs, and the annual National Defense Authorization Act (NDAA).

¹ <https://floodcoalition.org/2020/07/congress-is-moving-forward-on-resilient-infrastructure/>

- **FY2022 Spending Bills:** Annual spending bills determine how much funding is directed to what projects and programs. These bills present opportunities to ensure funding is equitably distributed to communities and that enough resources are dedicated to promoting accessibility. These bills offer us opportunities to influence funding levels for environmental justice and clean water programs at EPA, coastal resilience programs at NOAA, and mitigation and flood mapping programs at FEMA, among others.
 - **Surface Transportation Reauthorization:** Congress typically passes this reauthorization of federal highway and public transportation programs once every five years. That means this is a rare opportunity for us to influence policies that determine how much federal highway programs emphasize resilience to flooding and storms; how much funding is allocated for emergency relief to repair highways following disasters; and ensure funding and resources for critical programs are distributed equitably and are accessible to all.
 - **NDAA:** This comprehensive defense bill will be one of the few opportunities next year to influence how the military deals with water, wastewater, and flood control policy. In the past few years, the NDAA has been used to change military policy towards the use and cleanup of harmful PFAS chemicals,² which has been used by the military and have contaminated drinking water across the country. Next year's NDAA will be an opportunity to continue efforts to improve clean water protections as well as advance policies that improve flood resilience at our military bases and their surrounding communities.
- **Executive Actions-**
 - President-elect Biden will have an array of regulatory and executive actions available to him that will impact water, wastewater, and flood control policy, as well as how the federal government deals with equity issues-
 - **Executive Branch Appointees:** One of the first things President-elect Biden will need to do is appoint hundreds of people to Executive Branch positions, including heading Departments, Agencies, and Offices that oversee water, wastewater, and flood control policy. These include the heads of EPA, Interior Department, NOAA, and FEMA, among others. The people chosen for these positions will not only have the power to deeply influence the policies they oversee, but will determine how much of an emphasis is placed on equity. Reporting and statements from President-elect Biden indicate that he will strive to have as diverse a cabinet as possible and, due to the pandemic, will prioritize the selection of positions that handle public health and the economy first.
 - **The President's Budget Request:** The President's budget is a reflection of the priorities of the Administration. The first budget, usually released in the spring, is a symbolic marker of what direction the President intends to

²<https://news.bloomberglaw.com/environment-and-energy/insight-congress-confronts-pfas-in-national-defense-authorization-act-what-you-need-to-know>

take with government programs. The budget will therefore provide us with a clear picture of how President Biden feels the government should deal with water, wastewater, and flood control issues. It will also reveal how much President Biden will emphasize equity in his policy goals. The President's budget will include his funding requests for the entire Federal Government, and we will be closely monitoring the policies and funding requests made for several Departments and Agencies, including FEMA, EPA, USDA, NOAA, Interior, and DoD, which oversee many of the Federal Government's water, wastewater, and flooding programs.

■ **Undoing Regulatory and Executive Actions Taken by President**

Trump: President-elect Biden has repeatedly made public statements opposing the regulatory and executive policies of the current Administration. From undoing the recent executive order³ prohibiting discussions of systemic racism, white privilege, and unconscious bias in Diversity and Inclusion training for Federal staff, to rolling back regulatory changes to clean water and clean air, President-elect Biden has the potential to demonstrably change the policies of President Trump.

Examples of these actions include:

- Undoing changes to the National Environmental Policy Act, which will influence how construction projects are permitted and what factors are considered;
- Reinstating and enhancing protections for public lands and national monuments which help preserve our nation's wilderness, wildlife, and water resources; and
- Reinstating the Obama-era Federal Flood Risk Mitigation Directive⁴, which will require infrastructure investments using federal dollars to incorporate potential flood and water damage into planning.

³ <https://www.whitehouse.gov/presidential-actions/executive-order-combating-race-sex-stereotyping/>

⁴ <https://obamawhitehouse.archives.gov/the-press-office/2015/01/30/executive-order-establishing-federal-flood-risk-management-standard-and->