

111TH CONGRESS  
1ST SESSION

# H. R. 537

To amend the Internal Revenue Code of 1986 to provide that the volume cap for private activity bonds shall not apply to bonds for facilities for the furnishing of water and sewage facilities.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 14, 2009

Mr. PASCARELL (for himself, Mr. DAVIS of Alabama, and Ms. SUTTON) introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend the Internal Revenue Code of 1986 to provide that the volume cap for private activity bonds shall not apply to bonds for facilities for the furnishing of water and sewage facilities.

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 “Sustainable Water In-  
5       frastructure Investment Act of 2009”.

6       **SEC. 2. FINDINGS AND PURPOSE.**

7       (a) FINDINGS.—Congress finds the following:

1           (1) Our Nation’s water and wastewater systems  
2       are among the best in the world, providing safe  
3       drinking water and sanitation to our citizens.

4           (2) In addition to protecting the health of our  
5       citizens, community water systems are essential to  
6       our local economies, enabling industries to achieve  
7       growth and productivity that make America strong  
8       and prosperous.

9           (3) Regulated under title XIV of the Public  
10      Health Service Act (42 U.S.C. 300f et seq.; com-  
11      monly known as the “Safe Drinking Water Act”)  
12      and the Federal Water Pollution Control Act (33  
13      U.S.C. 1251 et seq.), community drinking water sys-  
14      tems and wastewater collection and treatment facili-  
15      ties are critical elements in the Nation’s infrastruc-  
16      ture.

17          (4) Water and wastewater infrastructure is  
18      comprised of a mixture of old and new technology.  
19      In many local communities across the Nation, the  
20      old infrastructure has deteriorated to critical condi-  
21      tions and is very costly to replace. Recent govern-  
22      ment studies have estimated costs of  
23      \$500,000,000,000 to \$800,000,000,000 over the  
24      next 20 years for maintaining and improving the ex-

1       isting inventory, building new infrastructure, and  
2       meeting new water quality standards.

3           (5) The historical approach of funding infra-  
4       structure is insufficient to meet the investment  
5       needs of the future.

6           (6) The Federal partnership with State and  
7       local communities has played a pivotal role in im-  
8       proving the Nation's water quality and drinking  
9       water supplies. Federal assistance under this part-  
10      nership has been the linchpin of these improvements.

11          (7) In light of constrained Federal budgets, the  
12      availability of exempt-facility financing represents an  
13      important financing tool to help close the gap be-  
14      tween funds currently being invested and water in-  
15      frastructure needs, preserving the Federal partner-  
16      ship.

17          (8) Providing alternative financing solutions,  
18      such as tax-exempt securities, encourages investment  
19      in water and wastewater infrastructure that in turn  
20      creates local jobs and protects the health of our citi-  
21      zens.

22          (9) Federally mandated State volume cap re-  
23      strictions in conjunction with other priorities have  
24      limited the use of tax-exempt securities on water and  
25      wastewater infrastructure investment.

1           (10) Removal of State volume caps for water  
 2           and wastewater infrastructure will accelerate and in-  
 3           crease overall investment in the Nation’s critical  
 4           water infrastructure; facilitate increased use of inno-  
 5           vative infrastructure delivery methods supporting  
 6           sustainable water systems through public-private  
 7           partnerships that optimize design, financing, con-  
 8           struction, and long-term management, maintenance  
 9           and viability; and provide for more effective risk  
 10          management of complex water infrastructure  
 11          projects by municipal utility and private sector part-  
 12          ners.

13          (b) PURPOSE.—The purpose of this Act is to provide  
 14          alternative financing for long-term infrastructure capital  
 15          investment programs, and to restore the Nation’s safe  
 16          drinking water and wastewater infrastructure capability  
 17          and protect the health of our citizens.

18      **SEC. 3. EXEMPT-FACILITY BONDS FOR SEWAGE AND WATER**  
 19                              **SUPPLY FACILITIES.**

20          (a) BONDS FOR WATER AND SEWAGE FACILITIES  
 21          EXEMPT FROM VOLUME CAP ON PRIVATE ACTIVITY  
 22          BONDS.—Paragraph (3) of section 146(g) of the Internal  
 23          Revenue Code of 1986 (relating to exception for certain  
 24          bonds) is amended by inserting “(4), (5),” after “(2),”.

1       (b) CONFORMING CHANGE.—Paragraphs (2) and  
2 (3)(B) of section 146(k) of such Code are both amended  
3 by striking “(4), (5), (6),” and inserting “(6)”.

4       (c) EFFECTIVE DATE.—The amendments made by  
5 this section shall apply to obligations issued after the date  
6 of the enactment of this Act.

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