February 4, 2020

HOUSE LEADERSHIP AND KEY CONGRESSIONAL COMMITTEE CHAIRS
ROLL OUT FRAMEWORK FOR MAJOR INFRASTRUCTURE FUNDING DEAL

On January 28, the House Democratic leadership (Speaker Pelosi, Majority Leader Hoyer, Majority Whip Clyburn, and Assistant Speaker Lujan) along with the chairs of the key congressional committees of jurisdiction (DeFazio of T&I, Pallone of Energy and Commerce, and Neal of Ways and Means) rolled out a $760 billion, 5-Year infrastructure funding framework. It should be noted this does not come with support from the White House or Senate but the consensus in the House and thoughtful program approach provides reason for optimism.

The framework goes far past water infrastructure funding needs and includes traditional surface transportation issues, broadband, 911 updates, brownfields, safe drinking water, with mention of housing, education and natural resources. See the following for the full details: https://transportation.house.gov/imo/media/doc/Moving%20Forward%20Framework.pdf.

Water Infrastructure Funding Highlights Include:

- **Clean Water & Wastewater Infrastructure — $50.5 Billion ($10 B / year compared to $1.7 B Authorized in Federal Fiscal Year 2020)**
  - Funds building new, modern clean water and wastewater infrastructure by investing $40 billion in the Clean Water State Revolving Fund (CWSRF), to address local water quality challenges, with dedicated funds for urban and rural communities with affordability concerns.
  - Encourages the use of energy-efficient and water-efficient technologies.
  - Helps communities affordably address local sewer overflow and storm water infrastructure needs, preventing pollution in local rivers and waterways, and disruptions to service.
  - Establishes a new EPA program to detect, prevent, and treat discharge of industrial chemicals, including PFAS.

- **Safe Drinking Water —$25.4 Billion ($5 B / year compared to $1.3 B Authorized in Federal Fiscal Year 2020)**
  - Protects Americans’ drinking water – particularly for vulnerable communities – by investing in the Drinking Water State Revolving Fund and programs to ensure clean drinking water in schools, day care centers and on Native American Reservations.
  - Provides funding to local communities dealing with PFAS contamination in the drinking
water and requires EPA to identify and assist in remediation.

- **Water Infrastructure (Flood protection, navigation, etc.) — $10 Billion**
  - Addresses the impact of severe weather events by tackling the backlog of Army Corps' projects designed to protect communities at risk of flooding, to enhance community resiliency, and to enhance national, regional, and local economic growth.

- **Alternative Water Source Project - $600 Million**
  - Reauthorizes Federal investments in alternative water source projects to address critical water supply needs, especially in arid areas of the Nation.

No decision on how to pay for the package until agreement is reached on that with the Administration. DeFazio has proposed issuing infrastructure bonds and paying them back by increasing fuel taxes and indexing them to inflation, but the leadership has not endorsed this. House Republicans oppose a gas tax increase; instead prioritizing innovation, streamlining permitting and focusing attention on rural infrastructure needs. When the President released his long-term infrastructure plan, which relied mostly on private investments, as well as local and state governments, it was widely panned as unreasonable. On the positive side, the House’s $760 B framework is within the range of the Presidents call for at least $1 trillion in infrastructure investment.

The Chair of the House Ways and Means Committee, Rep. Richard Neal (D-Mass.) will meet with Treasury Secretary Steven Mnuchin to discuss an infrastructure package, saying he is hopeful about working with the White House on this important legislation following the passage of the bi-partisan trade deal. The **Utility Contractors Association of New England (UCANE)** is working directly with Congressman Neal and the entire Massachusetts delegation advancing these critical priorities for the CWCC. In addition, the Massachusetts delegation is pushing the Affordable Safe Drinking Water Act that would help states mitigate water infrastructure costs. Key Advocates and UTCA of NJ will be working closely with the Chair of the House Energy and Commerce Committee, Rep. Frank Pallone (D-NJ) as that Committee has jurisdiction over the Drinking Water SRF funding.

**CWCC FLY-IN / WATER WEEK 2020 DETAILS**

CWCC has again signed on as an organizational sponsor of Water Week 2020, which takes place on April 26th – May 2nd in Washington, DC. We will join with organizing partners National Association of Clean Water Agencies (NACWA), the Water Environment Federation (WEF), and the WateReuse Association (WRA) to target advocacy for greater federal investment in water infrastructure.
After a successful experience last year, the CWCC will again have its Member-Only Briefing during Water Week on Tuesday, April 28th from 11:00 AM – 1:00 PM. Events not held on Capitol Hill will be at the Washington Court Hotel located at 525 New Jersey Avenue NW. This hotel is within walking distance of Union Station and Capitol Hill. The CWCC Member Briefing is being sponsored by UCA of Illinois, UCA of New England and the UTCA of New Jersey. At this briefing, we will hand out materials we typically prepare OR will coordinate getting you these materials in advance at your request.

The key days for Water Week are Monday April 27th and Tuesday April 28th. You should set a schedule that works best for your organization’s needs and the availability of those you are set to meet with in DC. We have identified open slots in the schedule that would be ideal for Hill Visits but in our experience, you have to take the times slot you can get.

The schedule is as follows for CWCC MEMBER / WATER WEEK RELATED EVENTS:

**Monday, April 27th**

Morning: OPEN TIME FOR HILL VISITS

12:30 pm – Registration Opens for National Water Policy Fly-In

2:00 pm – 5:00 pm - Policy Sessions Lead by NACWA, WED, WRF and WateReuse

6:00 pm - Reception & Brave Blue World Screening

**Tuesday, April 28th**

8:00 am – Congressional Breakfast

11:00 am – 1:00 pm– CWCC Member-Only Briefing / Lunch at the Washington Court Hotel

**NOTE:** We will be meeting on the Mezzanine Level in the Capital / Senate Function Space.

Lunch will be provided. If anyone has any special dietary needs, please advise in advance.

2:00 pm - 5:00 pm - OPEN FOR HILL VISITS

5:30 pm - Congressional Reception on Capitol Hill

**Wednesday, April 29th** – **Thursday April 30th**

OPEN FOR HILL VISITS
REGISTRATION

Please register for the 2020 Water Policy Fly-In online at your earliest convenience through the following website: www.waterweek.us/nwpf/

The registration fee is $100 per person. Advance registrations must be received by Friday, April 10, 2020. Please email Dan Kennedy (kennedy@utcanj.com) confirming attendance for you and/or your association members/affiliates.

Your registration fee includes access to all Water Week activities Monday and Tuesday, including the policy sessions, breakout discussions, Monday evening reception, Tuesday morning Congressional breakfast and the Congressional reception on Tuesday evening.

LODGING

Lodging is at your discretion but here are options to consider.

The organizers have secured a special group rate of $335 per night (standard king/standard double), plus applicable taxes, at the Washington Court Hotel. Reservations must be made by Monday, April 6, 2020 to receive the special rate, while rooms are available. To ensure a hotel room, contact the Washington Court Hotel at 202.628.2100. Please reference “Water Week / NACWA Block” when reserving.

Another option, negotiated by our friends at UCA of Illinois, is the Hotel Lombardy. Although it’s a jump from the Water Week events hosted at the Washington Court Hotel, this is a great location on Pennsylvania Ave. They are extending the same rate as last year for CWCC members of $289.00 per night plus applicable taxes. They have extended that rate to all CWCC members by following this link: https://bookings.hotellombardy.com/reservation/roomdetails/139725?rooms=1&adults_1=1&checkin=20200426&checkout=20200503&bookingcode=61V218

SHOW YOUR SUPPORT FOR PROPOSED NEPA REFORMS

The National Environmental Policy Act (“NEPA”) is a foundational environmental law enacted in 1970 (exactly 50 years ago during the Nixon Era) with a mission to enhance the environment by requiring Federal agencies to evaluate environmental effects of proposed projects prior to construction. Rulemaking recently initiated by the White House Council on Environmental Quality (“CEQ”) is the first significant revision of the NEPA regulations since the original regulations were promulgated in 1978. The proposal would refocus NEPA on its original intent – assessing environmental impacts of major projects
and actions supported by the federal government – instead of being used as a mechanism for causing delays and uncertainty in planning and building projects.

According to the new proposal, its revisions would modernize the NEPA regulations and facilitate more efficient, effective, and timely NEPA reviews. The proposed changes to NEPA will result in a more expeditious, while still thorough, review process, without impacting existing environmental standards. Projects that trigger NEPA reviews are not put out to bid until its processes (and any litigation) play out. Efforts to streamline and modernize NEPA are long overdue and welcome to the infrastructure construction industry.

As a reminder, CWCC added a policy position to encourage streamlining approvals for infrastructure projects in 2019. Although most water infrastructure projects do not trigger NEPA review, a lot of underground utility work critical to the economic outlook for our members comes alongside transportation projects. Associations engaged in advocacy for energy utility project work and flooding / hardening and/or coastal resiliency should pay close attention to this proposal.

CEQ has opened a public comment period on their proposal, ending Tuesday, March 10. CWCC will be submitting supportive comments and sharing them with key leaders in Congress in favor of this proposal. We urge your association and its members consider doing the same.

We encourage you to “tell a story” of cost increases, delays and jobs lost because of NEPA issues. Please share with CWCC any project examples that we may be able to use to increase the impact of our comments. Opponents will be filling the docket and news stories with negative comments. It’s critical that we make our voices heard.

Attached to this notice is more information from our national transportation partners, ARTBA. This document includes more information on the proposal and directions on how to submit comments.

KEY ADVOCATES REPORT

Included with this notice is Key Advocates recent report which is current to the end of January.
February 2020 Insights

Infrastructure

Four important developments -

On January 28, the House Democratic leadership (Speaker Pelosi, Majority Leader Hoyer, Majority Whip Clyburn, and Assistant Speaker Lujan) along with the chairs of the key congressional committees of jurisdiction (DeFazio of T&I, Pallone of Energy and Commerce, and Neal of Ways and Means) rolled out a mega infrastructure framework, having given up on crafting a package with the White House. "So far they have not come on board," Pelosi said. "However, we've decided now we'll just have to go forward." The framework – with more details and legislative language to follow as announced – focuses on traditional surface transportation issues, broadband, 911 updates, brownfields, safe drinking water, with mention of housing, education and natural resources. See the following: https://transportation.house.gov/imo/media/doc/Moving%20Forward%20Framework.pdf. Water Highlights of interest (note: these do not include water programs from other committees such as the Natural Resource Committee not yet available but to be included in the package) –

- **Clean Water & Wastewater Infrastructure — $50.5 Billion**
  - Funds building new, modern clean water and wastewater infrastructure by investing $40 billion in the Clean Water State Revolving Fund (CWSRF), to address local water quality challenges, with dedicated funds for urban and rural communities with affordability concerns.
  - Encourages the use of energy-efficient and water-efficient technologies.
  - Helps communities affordably address local sewer overflow and storm water infrastructure needs, preventing pollution in local rivers and waterways, and disruptions to service.
  - Establishes a new EPA program to detect, prevent, and treat discharge of industrial chemicals, including PFAS.

- **Water Infrastructure (Flood protection, navigation, etc.) — $10 Billion**
  - Addresses the impact of severe weather events by tackling the backlog of Army Corps’ projects designed to protect communities at risk of flooding, to enhance community resiliency, and to enhance national, regional, and local economic growth.

- **Safe Drinking Water —$25.4 Billion**
  - Protects Americans’ drinking water – particularly for vulnerable communities – by investing in the Drinking Water State Revolving Fund and programs to ensure clean drinking water in schools, day care centers and on Native American Reservations.
- Provides funding to local communities dealing with PFAS contamination in the drinking water and requires EPA identify and assist these and other communities with effective decontamination techniques.

- **Alternative Water Source Project - $600 Million** Reauthorizes Federal investments in alternative water source projects to address critical water supply needs, especially in arid areas of the Nation.

The goal is to craft a package that looks to the future of infrastructure. Chairman DeFazio said that the bill will be a radical departure from past highway-era bills. He said that it is going to set a path for the 21st century to de-fossilize transportation. He noted building carbon neutral federal buildings, leading a transition to renewable fuels for aviation, using climate-friendly building materials and boosting rail and transit options. No decision on how to pay for the package until agreement is reached on that with the Administration. DeFazio has proposed issuing infrastructure bonds and paying them back by increasing fuel taxes and indexing them to inflation but the leadership has not endorsed this. House Republicans oppose a gas tax increase, prioritizing innovation, streamlining permitting and focusing attention on rural infrastructure needs.

The Chair of the House Ways and Means Committee, Rep. Richard Neal (D-Mass.) will meet with Treasury Secretary Steven Mnuchin to discuss an infrastructure package, saying he is hopeful about working with the White House on this important legislation following the passage of the bi-partisan trade deal. Neal told reporters in his home state of Massachusetts that he plans to meet with Mnuchin this week when he returns to Washington. “We need to agree on some numbers and proceed on the basis that the country badly needs it, and I think that it is doable,” Neal was optimistic that there is bipartisan support for improving the nation’s infrastructure. He said passing of the USMCA trade deal showed him the House and Senate can get something done. “I think big things can get done in election years,” Neal said. “This is one of those issues that’s interesting because the President needs it and we want it.” In order to craft legislation that would best meet the needs of U.S. cities’ infrastructure.

The Ways and Means Committee will hold a hearing, “Paving the Way for Funding and Financing Infrastructure Investments,” on Jan. 29. The Committee will be hearing from witnesses who can give the Members insight into the current condition of U.S. infrastructure. At a 2019 hearing, Mnuchin told Members of the Committee that he is fully committed to the passage of the Trump administration’s $1.5 trillion infrastructure plan. Mnuchin, like Neal, emphasized bipartisanship. “I look forward to working with Chairman Neal and the Committee on a bipartisan basis,” Mnuchin told the House Ways and Means Committee, adding that the goal is to pass the ambitious building plan “this year.” Trump’s long-term infrastructure plan would depend mostly on private investments, as well as local and state governments, to provide a lion’s share of the funding, with 200 billion of the $1.5 trillion earmarked by the administration to pay for infrastructure in the short-term. “We’re going to sit down on a bipartisan basis and we’ll see what we can agree on,” Mnuchin told the Committee. “This has to be a combination of the Administration, the House, and the Senate … and see what we can get done. Everyone has got the same objective; we want to make infrastructure investments.” The Jan. 29, 2020, hearing witnesses were Joung lee, AASHTO; Dr. Philip Fischer, eBooleant Consulting; Laura canter, Mass Dev Financer Agency; Diane Gutierrez-Scaccetti, N.J. DOT; and, DJ Gribbon, Madrus LLC.

DOT-OMB Principles (excerpt)

The Administration’s Plan: Invest at Least $1 Trillion in Infrastructure

The President has called upon the Congress to pass legislation that generates at least $1 trillion in infrastructure investment. The **2020 Budget** supports achieving this goal by:
• Seeking a long-term surface transportation reauthorization. The Budget commits to working with the Congress on a long-term surface transportation reauthorization bill. The current authorization, the Fixing America’s Surface Transportation (FAST) Act of 2015, expires at the end of 2020. We must provide our State, local and private partners – who build, own and operate the vast majority of the Nation’s surface transportation infrastructure – the long-term funding certainty they need to effectively plan and deliver projects. Such reauthorization must, at a minimum, address the long-term solvency of the Highway Trust Fund in a fiscally responsible manner, focus on nationally and regionally significant projects (emphasizing projects on the Interstate Highway System and other nationally- strategic freight networks), support emerging technologies and innovation, encourage the revenue mechanisms of the future, and promote more efficient and effective permitting.

• Providing $200 billion for other infrastructure priorities. In addition to a long-term surface transportation reauthorization, the Administration believes it is important to provide additional investments in infrastructure, across a range of sectors, including water infrastructure. The Administration looks forward to working with the Congress to develop a package that will significantly improve the Nation’s infrastructure, and the Budget includes $200 billion towards this effort. Within that amount, $10 billion is allocated to establish a Federal Capital Revolving Fund to support more cost-effective Federal investment in buildings and other property. The Administration will work with the Congress on allocating the remaining amount toward sectors and projects that address the most important needs and confer the largest benefits to the American people. The Administration does believe that a portion of this funding should promote visionary projects and technologies that can strengthen our economic competitiveness, including 5G wireless communications, rural broadband, advanced manufacturing, and artificial intelligence.

Earmarks

Recent reports indicate discussion, and in some cases real interest, in bringing back earmarks. Many House Democrats have voiced support for overturning the current ban on earmarks. Most noticeably is Majority Leader Hoyer who is shopping an earmark return plan that would require for every earmark the recipient be a public, not a private entity, the Member requesting the earmark be identified, the earmark project be located in the Member’s district/state, and the Member acknowledge under penalty that he or she has no vested interest in the earmark project. Transparency and accountability, Hoyer says, are the cornerstones of his proposal. To date, House Republicans are either opposed or silent on the return as are Senate republicans. Senate Democrats support overturning the ban with accompanying stringent rules.

S. 1932, “Drought Resiliency and Water Supply Infrastructure Act”

Status: Per the Energy and Natural Resources Committee, goal is markup by March.

To review, introduced on June 20 by Senator Cory Gardner (R-CO) with cosponsors Senators Feinstein, McSally (R-AZ), Sinema (D-AZ) and Rosen (D-NV). The bill was referred to the Energy and Natural Resources Committee. McSally is the Chair of its Water and Power Subcommittee. Gardner is a member of the Subcommittee. Feinstein and Sinema are not on the Committee. The bill would authorize for FY19-24 $670M for surface and groundwater storage projects, $100M for water recycling projects, and $60M for desalination projects. It would also create a new loan program at 30-year Treasury rates for water supply projects known as the Reclamation Infrastructure Finance and Innovation Act (RIFIA). The $150M authorized for the program would make available $8 to $12B in lending authority for the low interest loans. The loans would use existing criteria under the WIFIA program, with projects for
funding to be recommended by the Bureau of Reclamation, and with the loans to be administered by
EPA. The bill would also authorize $140M for restoration and environmental compliance projects. The
bill provides offsets, one of which is a process to de-authorize inactive water recycling projects –
projects for which no Federal or sponsor funds were spent on construction in the past 10 years, with an
allowance of two and one-half years to spend funds to prevent de-authorization.

**H.R. 1162, the “Water Recycling Investment and Improvement Act”**

**Status:** Per Joe Sheehy (Cong. Napolitano), primary goal is the Huffman omnibus water bill (see
below); secondary is to move the bill on its own.

To review, on Feb.13, Congresswoman Napolitano introduced the bill (with 17 cosponsors, now 27– all
Dems) which the Coalition supports. The Coalition supported her bill last Congress. Two changes were
made from last year’s version: the EPA grant program was dropped so the focus could be on Title XVI;
and, the cap on the Federal share for individual projects was increased from $20M to $30M. Per the
Congresswoman’s office, the following summary was provided:

- Increases the WIIN Act authorization for Title XVI from $50 million to $500 million
- Makes the WIIN Act Title XVI program permanent as it currently expires in 2021.
- Strikes the requirement that projects must be in drought or disaster areas
- Strikes the requirement that the projects need to be designated in an appropriations legislation
- Increase the limitation on the federal share of individual Title XVI projects from the current $20
  million in October 1996 prices to $30 million in January 2019 prices.

*Does not change the 25% federal cost share.*

On June 13, the Subcommittee on Water, Oceans, and Wildlife (WOW) of the Natural Resources
Committee held a hearing on the bill.


**Status:** Section included in the Huffman omnibus bill (see below); unlikely to move on its own.

To review, introduced on May 2 by Congressman Josh Harder (D-CA-10) with 7 cosponsors. The bill
provides $100M for Title XVI WIIN grants from deposits made to the Reclamation Fund; authorizes
$150M for a reclamation infrastructure finance and innovation pilot program; increases the current Title
XVI WIIN grant authorization from $50M to $500M (the same increase as in Cong. Napolitano’s H.R.
1162) and raises the Federal share cap from $20M to $30M; and, establishes a water technology
investment program to expand use of technology for improving the availability and resiliency of water
supplies and power delivers, and authorizes $5M per fiscal year for the program. On June 13, the
Subcommittee on Water, Oceans, and Wildlife (WOW) of the Natural Resources Committee held a
hearing on the bill.

**DeFazio H.R.1497, the “Water Quality Protection and Job Creation Act of 2019.”**

**Status:** Per the T&I Majority staff, Floor action Feb or March.

To review, on March 10 Chair DeFazio, Subcommittee Chair Napolitano, and Representatives Don
Young and John Katko introduced the above bill (now with 56 cosponsors) which was amended in
markup to authorize $14B over the next five fiscal years for the CWSRF, $1.125B for overflow and sewer grants, $1.295B for state water pollution control programs, $110M for innovative water grants, and $150M for alternative water source projects. A Coalition support letter was submitted.

Huffman Omnibus Water Bill

**Status:** Draft circulated to stakeholders. Comments due by Feb. 5. No decision yet on introduction and committee/Floor action.

On January 10, Congressman Jared Huffman (D-CA-2), Chair of the Water, Oceans, and Wildlife Subcommittee of the Natural Resources Committee, unveiled a draft for comment of his omnibus water bill, the “FUTURE Drought Resiliency Act,” that includes Cong. Napolitano’s HR. 1162 and a section from Cong Harder’s HR. 2473 (both also included in this monthly report). The Coalition worked with both Members on these two efforts and with the Natural Resources Committee and Cong. Huffman’s personal staff on the omnibus bill.

The included Napolitano language increases from $50M to $500M the authorization for Title XVI WIIN grants and from $20M to $30M the Federal share.

The included Harder language authorizes $300M per year for a new "Water Infrastructure and Drought Solutions Fund,” of which $100M is for ground water storage projects, $100M for water reclamation and reuse projects, and $100M for WaterSMART grants. Because it will take years for revenues (they would come from the existing reclamation fund) to reach the $300M level, the authorizations are for FY2030-2060.

Other provisions in the omnibus -

- $750M for storage projects
- $240 for desalination projects
- $100M for disadvantaged communities without adequate drinking water
- Various technology provisions
- Various ecosystem protection provisions

H.R. 2741, the “Leading Infrastructure for Tomorrow’s American Act” (the “Lift America Act”)

**Next Year:** Action unclear at this time – markup, House passage, enactment?

To review, the bill requires the EPA to establish a program to award grants up to $2.5 billion over five years to water systems affected by contamination. The legislation directs EPA to create a list of eligible drinking water treatment technologies. It extends and increases authorizations of $18.69 billion for essential drinking water programs including the Safe Drinking Water State Revolving Loan Fund, the Indian Reservation Drinking Water Program, School and Child Care Program Lead Testing grants, Lead Drinking Fountain Replacement, Community Water System Risk and Resilience grants, and Public Water System Supervision grants to states. This subtitle also extends Buy American requirements for drinking water projects. On May 22, the Energy and Commerce Committee held a hearing on the bill.
S.1689, “The Water Infrastructure Funding Transfer Act”

As a review, signed into law by the President on Oct. 4. Originally introduced by Senator Booker (D-NJ). The Coalition submitted a letter to the President, with copies to Mick Mulvaney, Chief of Staff, and Andrew Wheeler, Administrator, EPA, urging the President to sign the bill into law. The bill allows states for one year to transfer amounts from their clean water state revolving fund to their drinking water state revolving fund in order to address a threat to public health as a result of heightened exposure to lead in drinking water.

Senate Environment and Public Works Committee Highway Bill

FAST Act reauthorization required by Sept. 30 when current program expires. Senate EPW has reported its version of the bill (see below). Other Senate committees that need to act include Banking (mass transit), Commerce (trucking, rail and safety), and Finance (how to pay for the bill). House T&I working on a draft. Other House committees that need to act include Energy and Commerce (safety) and Ways and Means (how to pay for the bill).

To review, the EPW bipartisan bill would authorize $287 billion in highway spending, 90- percent of which would be distributed to the states by formula. The bill also features a title on climate change, which would authorize $10.8 billion for various programs addressing resiliency and other climate issues over the next five fiscal years. That includes $1 billion for electric, hydrogen, and natural gas vehicle charging and fueling stations. It would also provide billions for programs aimed at curbing emissions and reducing congestion and truck idling. The legislation would also streamline infrastructure permitting and set a two-year target for environmental reviews. Lastly, the bill would authorize $12.5 million per year to fund state and reginal pilot testing of user-based alternative revenue mechanisms to the gas tax.

FY21 Appropriations

With FY20 appropriations finalized (see below) attention now turns to FY21 with State of the Union address on Feb. 4, President’s budget next month, adoption of congressional budget resolution by April 15, and the FY21 appropriations bills.

FY20 Water Appropriations Highlights

- Clean Water SRF - $1,639 billion (versus $1,394 billion FY19 enacted)
- Safe Drinking Water SRF - $1,126 billion (versus $864 million FY19 enacted)
- Title XVI WIIN Grants - $20 million (same as FY19 enacted)

FY20 Transportation Appropriations Highlights

- BUILD Grants – $1 billion.

- Highways – $46.3 billion, $781 million for the Surface Transportation Block Grant funds and infrastructure along alternative fuel corridors, $1.15 billion for bridge repair and rehabilitation, $100 million for the Appalachian Development Highway System, $70 million for the Nationally Significant Federal Lands and Tribal Projects grant program, and $50 million for highway-rail grade crossing grants.
• Aviation – $17.6 billion for the FAA and fully funds for the Essential Air Service program.

• Rail – $2 billion for Amtrak, $255 million for Consolidated Rail Infrastructure and Safety Improvement grants, $300 million for State of Good Repair grants, and $2 million each for MagLev grants and Restoration and Enhancement grants.

• Transit – Transit formula grants total $10.1 billion, $510 million for transit infrastructure grants, and $1.978 billion for Capital Investment Grants, fully funding all current “Full Funding Grant Agreement” transit projects as well as new projects that have met the program criteria.

• Maritime – $1 billion for the Maritime Administration to increase the productivity, efficiency, and safety of the nation’s ports and intermodal water and land transportation.

• Safety – $989 million for the NHTSA, $679 million for the Federal Motor Carrier Safety Administration, and $281 million for the Pipeline and Hazardous Materials Safety Administration to help address safety concerns related to recent pipeline and crude oil by rail accidents.

Bill Tracking

SMART Infrastructure Act
Committees: Transportation and Infrastructure; Science, Space, and Technology; Agriculture; Energy and Commerce

H.R. 4780, the “National Infrastructure Investment Corporation Act of 2019” Introduced by Congressman Salud Carbajal (D-CA-24). The bill would finance infrastructure projects via loans from pension fund loans to the Corporation. No federal funds would be involved and there would be enhanced congressional oversight – majority of the Board appointed by Congress, Member input in project selection, annual audits, GAO five-year review, congressional review of selected projects, etc. Modeled after TIFIA. The Coalition received a request from Carbajal’s office for support of the legislation.

S.352 — 116th Congress (2019-2020)
BUILD Act
Sponsor: Sen. Cornyn, John [R-TX] (Introduced 02/06/2019) Cosponsors: (1)
Committees: Finance Increases from $15 billion to $20.8 billion the national limitation on the amount of tax-exempt highway or surface freight transfer facility bonds.

Build America Act of 2019
Committees: Transportation and Infrastructure and Ways and Means Directs the Department of Transportation (DOT) to carry out a national infrastructure investment grant program for capital investments in surface transportation infrastructure. Projects eligible for funding under the program include, at a minimum, highway and bridge projects, public transportation projects, passenger and
freight rail transportation projects, and port infrastructure investments. In distributing grants under the program, DOT shall ensure an equitable geographic distribution of funds, an appropriate balance in addressing the needs of urban and rural areas, and investment in a variety of transportation modes. At least 20% of grant funds must be set aside for projects in rural areas. The bill amends the Internal Revenue Code to: (1) establish a National Infrastructure Investment Trust Fund, and (2) increase the tax on gasoline other than aviation gasoline and on diesel fuel or kerosene.

S.146 — 116th Congress (2019-2020)
Move America Act of 2019
Sponsor: Sen. Hoeven, John [R-ND] (Introduced 01/16/2019) Cosponsors: (1)
Committees: Finance
Allows tax exempt Move America bonds and Move America tax credits to be used for certain infrastructure projects. A Move America bond is treated as a tax-exempt private facility bond with certain exceptions. At least 95% of the net proceeds from the issuance of the bond must be used for infrastructure projects. The bill specifies exceptions and modifications to existing rules for bonds regarding land acquisition, government ownership, rehabilitation expenditures, and the alternative minimum tax. The bonds are subject to a volume cap equal to 50% of a state's current private activity bond volume cap. States may exchange all or a portion of the volume cap for Move America tax credits to be allocated to taxpayers. The credits include (1) an equity credit for a portion of the basis of each qualified facility; and (2) an infrastructure fund credit for investments in qualified infrastructure funds, including a state infrastructure bank, a water pollution control revolving fund, or a drinking water treatment revolving loan fund.

National Infrastructure Development Bank Act of 2019
Committees: Energy and Commerce, Transportation and Infrastructure, Financial Services and Ways and Means

S.353 — 116th Congress (2019-2020)
RAPID Act
Sponsor: Sen. Cornyn, John [R-TX] (Introduced 02/06/2019) Cosponsors: (1)
Committees: Environment and Public Works
This bill revises the transportation infrastructure finance and innovation (TIFIA) program to (1) require program applicants to obtain investment grade ratings from at least two credit rating agencies, unless the federal credit instrument is less than $150 million (currently, less than $75 million), in which case one rating will suffice; (2) require the Department of Transportation (DOT) to implement an expedited decision timeline for public agency borrowers seeking secured loans; and (3) require DOT to publish status reports on program applications on the TIFIA website.

S.403 — 116th Congress (2019-2020)
IMAGINE Act
Committees: Environment and Public Works

H.R.228 — 116th Congress (2019-2020)
Increase Transportation Alternatives Investment Act of 2019
Sponsor: Rep. Velazquez, Nydia M. [D-NY-7] (Introduced 01/03/2019) Cosponsors: (2) Committees:
Transportation and Infrastructure Directs the Department of Transportation (DOT) to ensure that states give preference under the Surface Transportation Block Grant Program to eligible projects that (1) are located in areas that are undergoing extensive repair or reconstruction of transportation infrastructure, including federal-aid highways, federally owned roads open for public travel, passenger rail facilities, and public transportation facilities; and (2) will provide transportation alternatives related to the closure of transportation infrastructure in such areas. DOT shall (1) carry out a competitive grant program to support community efforts to invest in transportation alternatives; and (2) give preference in awarding grants to projects located in such areas. Entities eligible for grants include state and local governments, metropolitan planning organizations, and rural planning organizations.

Surface Transportation Investment Act of 2019
Committees: Ways and Means and Transportation and Infrastructure. This bill limits or repeals certain tax benefits for major integrated oil companies, including (1) the foreign tax credit for companies that are dual capacity taxpayers, (2) the tax deduction for intangible drilling and development costs, (3) the percentage depletion allowance for oil and gas wells, and (4) the tax deduction for qualified tertiary injectant expenses.
The bill modifies the definition of "major integrated oil company" to include certain successors in interest that control more than 50% of the crude oil production or natural gas production of the company. The bill establishes a Transportation Block Grant Fund and appropriates to the fund amounts equal to the increase in revenues as a result of this bill. The funds must be used for making grants under the Surface Transportation Block Grant Program.

BRIDGE Act of 2019
Committees: House - Energy and Commerce, Education and Labor

Sponsor: Sen. Sullivan, Dan [R-AK] (Introduced 05/16/2019) Cosponsors: (4)
Committee: Environment and Public Works. To improve the processes by which environmental documents are prepared and permits and applications are processed and regulated by Federal departments and agencies, and for other purposes.

H.R.3134 — 116th Congress (2019-2020) To direct the Secretary of Transportation to assist States to rehabilitate or replace certain bridges, and for other purposes. Sponsor: Rep. Langevin, James R. [D-RI-2] (Introduced 06/05/2019) Cosponsors: (2) Committee: Transportation and Infrastructure. To direct the Secretary of Transportation to assist States to rehabilitate or replace certain bridges, and for other purposes.

S.611 — 116th Congress (2019-2020)
Water Affordability, Transparency, Equity, Reliability Act of 2019
Committees: Environment and Public Works
H.R.1764 — 116th Congress (2019-2020)
To amend the Federal Water Pollution Control Act with respect to permitting terms, and for
other purposes.
Committees: House - Transportation and Infrastructure
Support NEPA Modernization: Make Your Voice Heard

On January 9, President Trump and the White House Council on Environmental Quality (CEQ) announced a major proposal to modernize regulations that implement the National Environmental Policy Act (NEPA). It would focus NEPA on its original intent – assessing environmental impacts of major projects and actions supported by the federal government – instead of being used as a mechanism for causing delays and uncertainty in planning and building projects, including those in the transportation sector.

The Trump Administration proposal represents a once-in-a-generation opportunity to modernize NEPA. The law first took effect 50 years ago, when communications, technology and public participation were in the virtual Stone Age compared to 2020. While NEPA is an essential tool for protecting the environment and ensuring meaningful feedback about projects, it has not been fundamentally improved in over three decades. Adversaries have weaponized NEPA’s outdated review procedures to delay – often for years – or to derail transportation improvement projects. Needless delays and uncertainties can add significant costs to these important projects, at a time when funding is constrained nationwide.

The proposed changes to NEPA will result in a more expeditious, while still thorough, review process, without impacting existing environmental standards. The new NEPA will not undermine environmental stewardship in planning transportation projects, which will still need to comply with the federal Clean Air Act, Clean Water Act, Endangered Species Act and other statutes.

NEPA modernization will not guarantee favorable decisions on projects, but will greatly improve the NEPA process’ reliability and timeline. As U.S. Secretary of Transportation Elaine Chao said at the White House announcement, “We all care about the environment. What we need to give, as regulators, is certainty to the regulated community…”

How to Submit Comments

CEQ has opened a public comment period on their proposal, ending Tuesday, March 10. ARTBA will submit comments and urges your firm or association to do so too. The most effective comments “tell a story” of cost increases, delays and jobs lost because of NEPA abuses. (The president and other speakers at the recent announcement cited several examples.) Conversely, “cookie cutter” submissions are usually discounted by federal policymakers. Opponents will be filling the docket and news stories with negative comments. So it’s critical that you make your voice heard.

Comments may be submitted online to CEQ at www.regulations.gov. The docket number is CEQ-2019-0003. Comments may also be mailed to: Council on Environmental Quality, 730 Jackson Place NW, Washington, DC 20503, Attn: Docket No. CEQ-2019-0003. All comments must be received at CEQ by close of business on Tuesday, March 10, 2020.

If you have any questions, or need assistance in filing comments, please contact Nick Goldstein, ARTBA vice president of regulatory and legal issues, at (202) 683-1005 or ngoldstein@artba.org.
More Ways to Get Involved

CEQ will also be holding two public hearings on the proposed rule. The first will be on Tuesday, February 11, in Denver, Colorado, and the second will be on Tuesday, February 25, in Washington, D.C. ARTBA encourages members to attend these hearings and express their support for the rule. Further details on the hearings will be available in the coming weeks.

ARTBA is part of a NEPA reform coalition. Its website at www.unlockamericaninvestment.com includes helpful information and resources relating to the proposal. State coalitions are also being formed.

Details on the Proposal

The Trump Administration proposal would make the following improvements to NEPA:

➢ Set both page and time limits for an environmental impact statement (EIS) and environmental assessment (EA). Specifically, EISs must be completed in two years and have a maximum of 150 pages (300 pages for projects of “unusual scope or complexity”) and EAs must be completed in one year, at a maximum of 75 pages. (Agencies still have the discretion to extend the page limits.)

➢ Require a single, final environmental document for projects involving multiple agencies. This mirrors President Trump’s 2017 “One Federal Decision” executive order.

➢ Allow a lead agency to set a schedule for projects involving multiple agencies. The lead agency will also develop the “purpose and need” and “alternatives” for the project review.

➢ Require all issues in litigation be raised during the comment process.

➢ Clarify that the “effects” of a project must be “reasonably foreseeable and have a close causal relationship to the proposed action.” Further, the proposal does away with the idea of “cumulative effects,” meaning a project is only responsible for those impacts it directly causes, as opposed to potential impacts that might occur in the future.

➢ Require that alternatives to a project be “technically and economically feasible.”

➢ Allow for private entities to prepare an EIS under the supervision of a federal agency.

➢ Exclude non-federal projects and those with “minimal federal involvement” from NEPA review.

➢ Allow projects to “cure” NEPA violations while continuing to move forward, rather than be halted.

These are highlights of this lengthy and comprehensive proposal. To access the entire entry in the Federal Register, go to https://www.govinfo.gov/content/pkg/FR-2020-01-10/pdf/2019-28106.pdf.