April 4, 2018

U.S. HOUSE AND SENATE PASS OMNIBUS SPENDING BILL – WATER RELATED INFRASTRUCTURE SPENDING INCREASED

As reported on March 26th, another threat of a federal government shutdown was avoided when the U.S. House of Representatives passed a massive $1.3 trillion omnibus spending bill with the U.S. Senate following suit. President Trump signed the spending measure which will fund the federal government to September 30, 2018.

Of interest to the Clean Water Construction Coalition, the omnibus bill includes $21.2 billion for infrastructure spending. Water related infrastructure spending identified in the measure includes the following:

- $2.97 billion for EPA’s water infrastructure programs. Funding includes $2.857 billion for the Clean Water and Drinking Water revolving funds, which are provided directly to the states for water and wastewater infrastructure projects. This is an increase of $600 million above fiscal year 2017.

- The bill supports an estimated $6 billion in new lending under the Water Infrastructure Finance and Innovation Act program (WIFIA) by utilizing $63 million in appropriations to finance more than 100 times that amount to accelerate investments in water projects with national and regional significance.

- Funds new water programs authorized in the Water Infrastructure Improvements for the Nation (WINN) Act to support testing for lead contamination in schools and child care centers ($20 million), lead reduction projects in rural areas ($20 million), and water projects in communities working to improve compliance with the Safe Drinking Water Act ($10 million).

SRF WIN Bills

S. 2364 and H.R. 4902 have been branded the “SRF WIN” bills and have bipartisan co-sponsorship support. Senator John Boozman (R-AR), Chair of the Water Subcommittee of the Environment and Public Works Committee (EPW) introduced the bill (along with Diane Feinstein (D-CA)) and had his lead staff attend the recent Council of Infrastructure Financing Authorities (CIFA) and lobby for support from SRF authorities nationwide. The bill now has 20 cosponsors in the Senate. The House bill was introduced by Congressmen John Katko (R-NY-24), a member of the Water Resources Subcommittee of the Transporta-
tion and Infrastructure Committee, and Earl Blumenauer (D-OR-3), a member of the Ways and Means Committee (now with 4 sponsors).

Generally, the bills create a new loan program and are intended to combine the “best aspects of the SRF’s with the leveraging power of WIFIA.” We expect that this will be discussed in detail at the upcoming CWCC Fly-In in May.

Full versions of the bills can be found by following these links:

S. 2364 -
https://www.congress.gov/bill/115th-congress/senate-bill/2364?q=%7B%22search%22%3A%5B%22s.+2364%22%5D%7D&r=1

H.R. 4902 -
https://www.congress.gov/bill/115th-congress/house-bill/4902?q=%7B%22search%22%3A%5B%22HR.+4902%22%5D%7D&r=1

HOUSE AND SENATE HEARINGS

On the House side, on March 6 the House Committee on Transportation and Infrastructure held a hearing on “Examining the Administration’s Infrastructure Proposal.” The witness was the Secretary of Transportation.

This was followed by a March 7 Subcommittee on Highways and Transit of the House Committee on Transportation and Infrastructure hearing on “Building a 21st Century Infrastructure for America: Long-Term Funding for Highways and Transit Programs.” The purpose of this hearing was to receive the views of highways and transit stakeholders regarding the benefits to the Nation of long-term funding for highways and transit programs, as well as the sustainability of current methods of providing funding.

Then on March 15, the Subcommittee on Water Resources and Environment of the House Transportation and Infrastructure Committee held a hearing on “Building a 21st Century Infrastructure for America: Water Resources Projects and Policy” The Subcommittee received testimony from the United States Army Corps of Engineers (Corps) on the 2017 and 2018 Reports to Congress on Future Water Resources Development, and on Chief’s Reports. This hearing is intended to provide Members with an opportunity to review these reports and the process the Corps undertakes for developing its projects and activities for the benefit of the Nation.

On the Senate side, on March 1, the Senate Committee on Environment and Public Works held a hearing entitled, “The Administration’s Framework for Rebuilding Infrastructure in America.” Witnesses were The Honorable Elaine Chao, Secretary, United States Department of Transportation; and, The Honorable R.D. James, Assistant Secretary of the Army Civil Works.

This was followed by a March 13 Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety and Security of the Senate Commerce Committee hearing on “Rebuilding Infrastructure in America: State and Local Transportation Needs.” The hearing examined opportunities to improve the national transportation network to better connect communities across the country.
Then on March 14, the Senate Committee on Commerce, Science, and Transportation held a hearing on “Rebuilding Infrastructure in America: Administration Perspectives.” The hearing focused on the Administration’s infrastructure proposal, including a discussion of various policy reforms, permitting improvements, and program ideas outlined in the White House’s proposal.

Reminder – The CWCC Fly-In is Monday, May 14th – Wednesday, May 16th. If you have not made your arrangements yet, please do so.

- Hotel Arrangements: PLEASE NOTE THAT ARTBA CONFERENCE / HOTEL IS AT THE GRAND HYATT WASHINGTON (1000 H Street NW)
  - Reservations: 1.888.421.1442
  - Group Name: ARTBA Federal Issues Program
  - Group Rate: $329 per night
  - Block Cut Off: April 20, 2017

Please let CWCC staff know if you have any questions.

KEY ADVOCATES REPORT

Included with this notice is Key Advocates recent report which is current to the end of March.
Infrastructure: The Status

Since the Feb. 12 unveiling of its infrastructure plan (a 53-page document that lays out its vision; namely, to turn $200B in federal money into $1.5T for fixing America's infrastructure by leveraging local and state tax dollars and private investment), we’ve observed two apparently differing paths that the Administration has been pursuing with respect to Congress. On the one hand, key Administration officials - Secretary Elaine Chao, DOT, et al - have been making the rounds with key Members urging support for, and action on, a mega infrastructure bill. They continue to tout this effort as high on the President’s list of priorities. While they continue to sidestep the answer as to the source of Federal funding for the bill - on that they continue to say they will defer to Congress - they are pushing the argument that such an effort would be a political and substantive win for all. On the other hand, we are also hearing that the Administration prefers "a different cadence than tax reform," and that they expect infrastructure to pass as "a series of legislation, not one large piece of legislation," because of the sheer number of Congressional committees involved, plus administrative actions on project permitting. For Congress’ part, hearings are ongoing (see report herein). We are aware of at least two key committees that have engaged in discussions and drafting of infrastructure proposals - the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works. Details and status of both efforts are closely guarded. Also, Members of both parties and in both Houses are saying privately that they hope Congress passes an infrastructure package before the midterm elections. House and Senate Democrats are saying that they have put forth great infrastructure proposals - a trillion dollars, 10 million new jobs for roads, bridges, sewer, water and new programs like rural broadband and, they assert, they have paid for it.

FY18 Appropriations Bills: Generally

On March 23, the President signed into law a $1.3 trillion spending package that will increase funding for the military and domestic spending and will keep the government funded through the end of September.

On March 22, the Senate passed the bill after at least two Republican senators held up the legislative process and made it appear unclear whether the bill could pass ahead of the deadline. The bill passed 65-32, averting a potential government shutdown and funding the government through September 30.

The same day, the House passed the legislation, voting 256-167 with Democrats and Republicans coming together to pass it less than 24 hours after the 2,300-page bill was made public.
To review, Congress was unable to pass any of the FY18 federal agency appropriations bills prior to the October 1 start of the new fiscal year. In order to avoid a government-wide shutdown, Congress initially passed a short-term Continuing Resolution (CR) extending through December 8, 2017 which funded government programs at the previous FY17 levels. A subsequent CR was passed extending government funding until December 22, 2017. A third CR was passed on December 21 extending funding through January 19, 2018 and a then fourth CR through February 8. A fifth and last CR was passed extending through March 23.

**FY18 “Water” Funding**

Per the Omnibus Budget Act, funding increases were included for various water infrastructure programs including:

- $2.97B for EPA’s water infrastructure programs including $2.857B for the Clean Water and Safe Drinking Water SRF’s. This is an increase of $600 million above FY17. The law includes a total of $1,693,887,000 for the Clean Water SRF and $1,163,233,000 for the Safe Drinking Water SRF.
- $6B in new lending under the WIFIA program.
- Funding for water programs authorized in the WINN Act to support testing for lead contamination schools and child care centers ($20M), lead reduction projects in rural areas ($20M), and water projects in communities working to improve compliance with the Safe Drinking Water Act ($10M).

**FY18 Transportation Funding**

Per the FY18 Omnibus Budget Act, funding for key transportation programs was increased by $9.9 billion from FY17, as follows:

- TIGER: $1.5 billion for the TIGER grant program, $1 billion more than in fiscal year 2017 and $1.5 billion more than the FY18 House bill.
- Federal Aviation Administration: $18 billion in total budgetary resources, $1.6 billion more than in FY17. The law also provides an additional $1 billion for Airport Improvement Program (AIP) grants, bringing the total funding for this program to $4.35 billion.
- Federal Highway Administration: $47.498 billion, an increase of $3.49 billion from FY17. The law also includes almost $3 billion in additional FHWA formula funding, which is $2.5 billion more than the increases included in the FAST Act of 2015.
- Federal Transit Administration: $13.48 billion, an increase of $1.066 billion from FY17. The law includes $9.73 billion for transit formula grants, as authorized by the FAST Act, as well as additional amounts above the FAST Act levels for certain programs include $400 million for State-of-Good-Repair formula grants; $400 million for Bus and Bus Facilities grants; and $30 million for High Density State Apportionments.
- Federal Railroad Administration: $3.09 billion for the FRA, fully funding safety inspectors and programs, including the Automatic Track Inspection Program, while also making important investments in Positive Train Control (PTC) implementation.

The law rejects the Administration’s proposal to eliminate long-distance routes and funds Amtrak at $1.942 billion, $447 million more than in FY17. This includes $650 million for the Northeast Corridor and $1.292 billion for the National Network. The law also provides $888 million in funding for rail safety and state of good repair across the country including $25 million for Railroad Rehabilitation and Improvement Financing (RRIF).
President’s FY19 Budget: Clean Water and Safe Drinking Water SRF’s

The Budget proposes $997M for the Clean Water SRF and $863M for the Safe Drinking Water SRF.

President’s FY19 Budget: Transportation

Consistent with the FY18 Budget, the Budget eliminates funding for the TIGER program and for the Infrastructure For Rebuilding America program, authorized by the FAST Act, supports larger highway and multimodal freight projects with national or regional benefits. The Budget also proposes to wind down the Federal Transit Administration’s Capital Investment Grant program (known as New Starts), by limiting funding to projects with existing full funding grant agreements only. The President’s Infrastructure Initiative is designed to incentivize States and localities to raise new revenue and funding dedicated for infrastructure investment, via competitive Federal grant awards and other incentives. Those new State and local funds would be available for transportation projects prioritized by those communities.

SRF WIN Bills

The bills are S. 2364 and H.R. 4902 and are included herein because they have bipartisan co-sponsorship support. The Senate bill was introduced by Senators John Boozman (R-AR), Chair of the Water Subcommittee of the Environment and Public Works Committee (EPW), and Senator Diane Feinstein (D-CA), Ranking Democrat of the Energy and Water Appropriations Subcommittee. Cosponsors are Senators Jim Inhofe (R-OK), Chair of the EPW Transportation and Infrastructure Subcommittee and Cory Booker (D-NJ), Ranking Democrat of the EPW Superfund Subcommittee (now with 10 sponsors). The House bill was introduced by Congressmen John Katko (R-NY-24), a member of the Water Resources Subcommittee of the Transportation and Infrastructure Committee, and Earl Blumenauer (D-OR-3), a member of the Ways and Means Committee (now with 4 sponsors) and, if you recall, the author of the voluntary fee labeling bill.

Generally, the bills - a new loan program - are intended to combine the “best aspects of the SRF’s with the leveraging power of WIFIA.”

Specifically, the bills authorize $200M for each of FY19-23 for states to apply for loans. There is a $7B per state loan cap for the 5 years. Fifty percent of the funds would be loaned at the current Treasury rate. The bill states that those funds would support $10B in loans per year. The other fifty percent would go to states that receive less than 2 percent of the total amount of funds made available to the states for the state loan funds for the most recent fiscal year OR to major disaster declared states if the loan is for a project related to wastewater or drinking water infrastructure damaged by the disaster. The bills states that those funds would support $850M in loans per year. The Federal share for loans is up to $100%. Eligible project activities are those included in a state’s SRF “intended use plan.”

The $100,000 WIFIA application fee is waived. The application process is limited to 180 days maximum. No new project approval requirements would be needed - existing approvals would suffice. The new program is tied to FY18 appropriation levels for the SRF’s - if at any year in the appropriations process the SRF funding levels are below the FY18 levels, this new program will not kick in for that year.

Status Update: 1 additional cosponsor added to the Senate bill since the last report.
House Hearings

On March 6, the Committee on Transportation and Infrastructure held a hearing on “Examining the Administration’s Infrastructure Proposal.” The witness was the Secretary of Transportation.

On March 7, the Subcommittee on Highways and Transit of the Committee on Transportation and Infrastructure held a hearing on “Building a 21st Century Infrastructure for America: Long-Term Funding for Highways and Transit Programs.” The purpose of this hearing was to receive the views of highways and transit stakeholders regarding the benefits to the Nation of long-term funding for highways and transit programs, as well as the sustainability of current methods of providing funding. The Subcommittee heard from representatives of the American Association of State Highway and Transportation Officials, the Western Road Usage Charge Consortium, the American Trucking Associations, the U.S. Chamber of Commerce, and the Economic Policy Institute.

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Earmarks

As a result of the recent House hearings on earmarks, it was decided that both parties would take the issue to their respective caucus for further deliberation. The Republicans have done so. There was some discussion in the caucus but not too extensive and no resolution was forthcoming. The Dems have not brought the issue up but are planning to do so.

To review, on Jan. 17-18, the House Rules Committee held hearings on earmarks. The formal title of the hearings was “Article 1: Effective Oversight and the Power of the Purse.” Members of Congress were the witnesses for day one of the hearings. Over 25 testified and the support was overwhelming by both Republicans and Democrats for return of some form of earmarks. Day two included “outside” witnesses who testified both for and against bringing earmarks back.

Bill Tracking

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and Infrastructure, Ways and Means, Natural Resources
Status Update: no change since the last report.

H.R.100 — 115th Congress (2017-2018)
Support Local Transportation Act
Sponsor: Rep. Brownley, Julia [D-CA-26] (Introduced 01/03/2017) Cosponsors: (0, now 2)
Committees: House - Transportation and Infrastructure

Status Update: no change since the last report.

H.R.481 — 115th Congress (2017-2018)
REBUILD Act
Sponsor: Rep. Calvert, Ken [R-CA-42] (Introduced 01/12/2017) Cosponsors: (0)
Committees: House - Natural Resources

Status Update: no change since the last report.

H.R.966 — 115th Congress (2017-2018)
TIGER CUBS Act
Committees: House - Appropriations, Budget.

Status Update: no change since the last report.

S.846 — 115th Congress (2017-2018)
SAFE Bridges Act of 2017
Sponsor: Sen. Shaheen, Jeanne [D-NH] (Introduced 04/05/2017) Cosponsors: (4)
Committees: Senate - Environment and Public Works

Status Update: no change since the last report.

H.R.1670 — 115th Congress (2017-2018)
Infrastructure 2.0 Act
Committees: House - Ways and Means, Transportation and Infrastructure, Rules

Status Update: no change since the last report.

H.R.1669 — 115th Congress (2017-2018)
Partnership to Build America Act of 2017
Committees: House - Transportation and Infrastructure, Ways and Means

Status Update: no change since the last report.

S.1756 — 115th Congress (2017-2018)
Rebuild America Now Act
Sponsor: Sen. Sullivan, Dan [R-AK] (Introduced 08/03/2017) Cosponsors: (10)
Committees: Senate - Environment and Public Works

Status Update: no change since the last report.
April 2018 Insights

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Status Update: no change since the last report.


Status Update: no change since the last report.

H.R.465 — 115th Congress (2017-2018) To amend the Federal Water Pollution Control Act to provide for an integrated planning and permitting process, and for other purposes.

Status Update: no change since the last report.


Status Update: no change since the last report.

H.R.2479 — 115th Congress (2017-2018) Leading Infrastructure for Tomorrow's America Act
and Infrastructure, Ways and Means, Natural Resources
Status Update: no change since the last report.

H.R.100 — 115th Congress (2017-2018)
Support Local Transportation Act
Sponsor: Rep. Brownley, Julia [D-CA-26] (Introduced 01/03/2017) Cosponsors: (0, now 2)
Committees: House - Transportation and Infrastructure

Status Update: no change since the last report.

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Sponsor: Rep. Calvert, Ken [R-CA-42] (Introduced 01/12/2017) Cosponsors: (0)
Committees: House - Natural Resources

Status Update: no change since the last report.

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Sponsor: Sen. Shaheen, Jeanne [D-NH] (Introduced 04/05/2017) Cosponsors: (4)
Committees: Senate - Environment and Public Works

Status Update: no change since the last report.

H.R.1670 — 115th Congress (2017-2018)
Infrastructure 2.0 Act
Committees: House - Ways and Means, Transportation and Infrastructure, Rules

Status Update: no change since the last report.

H.R.1669 — 115th Congress (2017-2018)
Partnership to Build America Act of 2017
Committees: House - Transportation and Infrastructure, Ways and Means

Status Update: no change since the last report.

S.1756 — 115th Congress (2017-2018)
Rebuild America Now Act
Sponsor: Sen. Sullivan, Dan [R-AK] (Introduced 08/03/2017) Cosponsors: (10)
Committees: Senate - Environment and Public Works

Status Update: no change since the last report.