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## *December 2016 Insights*

### **Election Impact**

As of this writing, the impact on the legislative process is a work in progress. Clearly, we are dealing with a unique situation where the traditional model of government has changed. On the positive side, everyone seems committed to working together and President-elect Trump has advocated a \$1trillion infrastructure program that includes water. The program, which he calls “America’s Infrastructure First,” would be financed by tax credits to private investors and by federal infrastructure bonds that investors and citizens could purchase. Some of his policy statement highlights are: “Support investments in clean water; create thousands of new jobs in construction, steel manufacturing, and other sectors to build the transportation, water, telecommunications and energy infrastructure needed to enable new economic development in the U.S., all of which will generate new tax revenue; Make clean water a high priority. Develop a long-term water infrastructure plan with city, state and federal leaders to upgrade aging water systems; and, Triple funding for state revolving loan fund programs to help states and local governments upgrade critical drinking water and wastewater infrastructure.”

Having said that, there are questions. How will President-elect Trump govern? How will he work within his Administration? How will he work with the Congress, with the Senate where many key Members have disagreed with him during the campaign and even now? How will he work with a House of Representatives where the Republicans now find themselves even more fractionalized? And what about the Democrats in Congress who are already talking about pay back for Republican treatment of Obama?

As for the lame duck session, the thinking again as of now is that Congress will likely punt on the major legislative items. The only must pass bill is the CR and funding the government until some point beyond the current Dec. 9. As for the issues of interest, we will continue to monitor developments, whether it be policies, appointments to key positions, congressional committee assignments, etc.

### **Earmarks Returning?**

Speaker Ryan on Nov. 16 persuaded Republicans to postpone votes on bringing back legislative earmarks until 2017. House Republicans were set to hold a secret ballot on changes to their internal conference rules that would have allowed lawmakers to direct spending to projects in their districts under certain circumstances. Based on what lawmakers were saying in the meeting, it was likely that an earmark amendment would have passed. Reps. John Culberson of Texas, Mike Rogers of Alabama and Tom Rooney of Florida filed an amendment to GOP rules that would ease the earmark ban by creating a new process for targeted spending. A separate proposal by Rooney that focused more narrowly on Army Corps of Engineers projects also appeared to have the votes to pass. Rep. Tom Cole (R-Okla.), a senior member of the House Appropriations

Committee, said he expects Members to be just as supportive of overturning the earmarks ban in public as they were in private. Culberson said he and the other sponsors of the amendment agreed to withdraw it because Ryan pledged to create a transparent and accountable process to restore Congress's constitutional spending authority by the end of the first quarter of 2017. The provision would have allowed lawmakers to direct specific funds to some federal agencies — such as the Defense Department, the Army Corps of Engineers, the Department of Homeland Security and the Bureau of Reclamation — and state and local governments. It would have continued to ban Congress from earmarking recreational facilities, museums or parks. Under the plan, Members sponsoring earmarks would have to be identified, the earmarks would have to be started during the committee process, and the earmarks could not increase total spending for any fiscal year.

### **FY17 Clean Water/Safe Drinking Water SRF's Funding**

Prior to recessing, the Congress passed a “clean” Continuing Resolution funding the government until Dec. 9 at FY16 levels. By “clean,” there were no new major policy issues included (except for \$1.1B to combat Zika and \$500M to Louisiana and other states facing natural disasters). Thus, all the appropriations bills are on hold pending final resolution of the appropriations process in December with the likely scenario that the CR will be extended until March of next year.

To review, the House FY17 Interior Appropriations Bill provides \$1B for the Clean Water SRF, \$1.07B for the Safe Drinking Water SRF and \$40M for WIFIA. The Senate bill provides \$1.35B for the Clean Water SRF, \$1.02B for the Safe Drinking Water SRF and \$30M for WIFIA. A letter, signed by a number of Democratic Members, was sent to the leadership of the House Committee on Appropriations calling upon the Committee to support the Clean Water SRF at \$2B. Also sent to the Appropriations Committee was a jointly signed letter that Congresswoman Napolitano authored to secure increased funding in FY17 for programs that support water recycling infrastructure needs.

### **WRDA 2016 Reauthorization**

Staff negotiations continue with developments and progress being held close to the vest. Apparently, the House Republicans are insisting on resolving the Corps of Engineers issues that are in both bills and deflecting the “EPA issues” in the Senate bill. The concern of the Senate and House Dems is that this is a ploy to reach agreement on the Corps issues and run out of time to resolve the EPA issues. We continue to make it known to key staff that we support the Senate language on the voluntary labeling/fee proposal and other water related provisions of interest and to advocate from the House's side inclusion of many of the provisions in the DeFazio omnibus water bill such as reauthorization of the Clean Water SRF and the Alternative Water Source Projects Program.

To review, on September 15, by a vote of 95-3, the Senate passed S. 2848, its version of WRDA 2016 reauthorization. The bill authorizes almost \$8B in funding for over 30 new Corps of Engineers projects and seven project modifications. While WRDA is a traditional Corps of Engineers bill, the Senate bill also contains significant provision on safe drinking water (in response to the Flint, Michigan crisis), and clean water. Highlights include:

- Authorizes \$1.8 B over 5 years for sewer overflow grant program to address CSO, SSO and storm water discharges.
- Authorizes \$15 M over 5 years for technical assistance to small communities (<10,000 population).
- Directs EPA to promote Green Infrastructure.

- Authorizes a pilot program related to innovative public-private partnership financing.
- Provides a number of changes/improvements to WIFIA, also stating that WIFIA appropriations must be in addition to “robust” appropriations to SRFs.
- Establishes a Water Infrastructure Investment Trust Fund. This would provide grants under the SRF with money coming from voluntary fees/labeling. This is modeled after Blumenauer’s bill, which we’ve supported. Under this program, the Secretary of treasury and departments would design a label that businesses could choose to add to their product, with 3 cents being collected from every unit (e.g., bottle of water). Of fees collected, 50% would go to the CWSRF and 50% to the DWSRF. It also includes a provision that no grants will be provided from this fund unless the SRF appropriations exceed the average of the last 5 years.
- Authorizes an Innovative Water Technology grant program at \$50 M/year – subject to appropriations - supporting reuse. It also includes \$10 M in direct spending (via EPA).
- Reauthorizes the Water Resources Research Act at \$1.5 M annually form 2015-2020.
- Reauthorizes the Water Desalination Act at \$8M annually from 2015-2020.
- Directs EPA with other Federal agencies to develop drought resilience guidelines.
- Encourages use of SRF funding and additional subsidization for innovative technologies.

On September 28, by a vote of 399-25, the House passed H.R. 5303, its version of WRRDA reauthorization. The bill does not include anything with respect to the Clean Water SRF and any other water program. It is a Corps of Engineers bill exclusively. Highlights include:

- Authorizes investment in ports, channels, locks, dams, and other infrastructure.
- Authorizes 28 Army Corps of Engineers Chief’s Reports received since WRRDA 2014.
- Authorizes studies for future water resources projects and makes modifications to previously authorized projects.
- Utilizes the new process reforms established under WRRDA 2014 for project selection.
- De-authorizes \$5 billion in previously authorized projects, off-setting the approximately \$5 billion in new authorizations.
- Sunsets new authorizations to prevent future project backlogs.
- Reduces the inventory of projects that are not needed for the missions of the Corps
- Contains no earmarks.
- Follows the new transparent process developed in WRRDA 2014 to review and prioritize water resources development activities with Congressional oversight.
- Returns to the two-year cycle of considering WRDA legislation.

### **Drought Bill**

It does not appear at least as of this writing that agreement will be reached on a Senate drought bill and even further final agreement with the House on the issue. While discussions have continued, the parties remain far apart. McCarthy is committed to the Valadao bill. Murkowski leans toward it as well but wants the scope of the bill to include other western states. Cantwell is concerned about any adverse environmental impact the bill would have. And Feinstein is still insisting on her a bill as introduced. It is still possible that McCarthy would try to/or attach the Valadao bill to other possible must pass legislation in the lame duck session - WRDA 2016 reauthorization, CR extension, Energy bill, etc. but the likely scenario is that the issue spills over to the new Congress.

In the House, we continue working with Congressman McNerney on his omnibus drought bill. Per the latest from Jackie Silvers (McNerney’s Counsel), Legislative Counsel is working on a

revised draft. She said that she should have the final version by December and she'll send it over to us for another look. She also said that they are looking to get a Senate companion and then introducing early next year. We expect the draft to include, as we have seen in previous drafts, all of our suggested changes to the Alternative Water Source Projects Program and reauthorization of the Clean Water SRF at \$100M increments over the \$1.3B figure for the next five fiscal years.

**House Clean Water Caucus** We continue to stay in touch with the Caucus staff and have been talking to them most recently about working with them next year on an agenda of caucus events that highlight national water needs and Federal funding challenges.

### **FY17 Transportation Appropriations Bill**

To review, the full Senate approved its version of the FY17 Transportation Appropriations bill on May 19 by a vote of 89 to 8. On May 17, the House released and approved its version of the bill.

Like the Senate, the House proposes to fully fund all Highway Trust Fund supported programs, such as the federal highway program and transit formula grants, at the same amounts authorized in the FAST Act. The House provided more money than the Senate for transit discretionary Capital Improvement Grants (CIG). The House provided less money for TIGER grants - only \$450M versus the Senate's \$525M, but given that the House has typically zeroed out or provided very limited funds for TIGER, the \$450M is a step forward.

Funding details:

| <b>Program</b>                                      | <b>Current FY'16 Funding</b>      | <b>FAST Act Authorization for FY'17</b> | <b>Senate-Passed FY'17 Funding</b> | <b>House THUD Subcomte. FY'17 Funding</b> |
|---|-----------------------------------|---|------------------------------------|---|
| Core Highway Program - Obligation Limit             | \$42.36B                          | \$43.26B                                | \$43.26B                           | \$43.26B                                  |
| Transit Total                                       | \$11.6B                           | \$12.17B                                | \$12.18B                           | \$12.5B                                   |
| Transit Formula and Bus Grants                      | \$9.35B                           | \$9.73B                                 | \$9.73B                            | \$9.73B                                   |
| Transit CIG-New Starts, Small Starts, Core Capacity | \$2.17B                           | \$2.30B                                 | \$2.33B                            | \$2.5B                                    |
| DC WMATA  | \$150M                            | NA                                      | \$150M                             | \$150M                                    |
| TIGER   | \$500M                            | NA                                      | \$525M                             | \$450M                                    |
| Amtrak Northeast Corridor                           | NA - Total Amtrak Funding \$1.39B | \$474M                                  | \$345M                             | \$420M                                    |
| Amtrak National Network                             | NA                                | \$1.02B                                 | \$1.07B                            | \$1.0B                                    |
| FRA Rail Discretionary Grants Total - see below     | \$0                               | \$350M                                  | \$85M                              | \$50M                                     |
| Airport Improvement Grants (AIP)                    | \$3.35B                           | NA                                      | \$3.35B                            | \$3.35B                                   |

Additional details:

**FTA Capital Improvement Grants-**

| <b>Program</b>              | <b>Current FY'16 Funding</b> | <b>FY'17 Senate Passed</b> | <b>FY'17 House THUD Subcomte.</b> |
|-----------------------------|------------------------------|----------------------------|-----------------------------------|
| CIG Total                   | \$2.177B                     | \$2.3B                     | \$2.5B                            |
| New Starts w/Existing FFGAs | \$1.25B                      | \$1.2B                     | \$1.2B                            |
| New Proposed FFGAs          | \$497M                       | \$511M                     | \$500M                            |
| Small Starts                | \$353M                       | \$241M                     | \$408M                            |
| Core Capacity               | \$50M                        | \$333M                     | \$332M                            |
| Expedited Delivery Program  | \$5M                         | \$20M                      | TBD                               |

The House bill includes language prohibiting any new FFGAs with a federal cost share of over 50%.

**FRA Discretionary Rail Grants-**

| <b>Program</b>  | <b>FAST ACT FY'17 Authorized</b> | <b>FY'17 Senate Passed</b> | <b>FY'17 House Subcommittee</b> |
|---|----------------------------------|----------------------------|---------------------------------|
| Consolidated Rail Infrastructure and Safety Improvement (CRISI) | \$190M                           | \$50M                      | \$25M                           |
| State of Good Repair (SOGR)                                     | \$140M                           | \$20M                      | \$25M                           |
| Restoration/Enhancement (R/EG)                                  | \$20M                            | \$15M                      | \$0                             |

**Bill Tracking**

**H.R.4468, Water Infrastructure Trust Fund Act of 2016**

Introduced on Feb. 4 by Congressman Earl Blumenauer (D-OR-3) with two cosponsors. The bill was referred to the Committees on Transportation and Infrastructure, Ways and Means, and Energy and Commerce. The bill was referred to the Committees on Transportation and Infrastructure, Ways and Means, and Energy and Commerce. This bill amends the Internal Revenue Code to establish in the Treasury a Water Infrastructure Investment Trust Fund and appropriates to it amounts equivalent to the fees received in the Treasury before January 1, 2022, under this Act. The bill requires 85% of amounts in the Fund to be available to the Environmental Protection Agency (EPA) for capitalization grants under the Federal Water Pollution Control Act (commonly known as the Clean Water Act or CWA) and 15% to be available for capitalization grants under the Safe Drinking Water Act. Amounts in the Fund may not be made available for a fiscal year unless the amount of funds appropriated to the Clean Water State Revolving Fund through annual capitalization grants is not less than the average of the annual amounts provided in capitalization grants under the CWA for the immediately preceding five-fiscal-year period. The Department of the Treasury shall: (1) implement a program under which it provides a label suitable for placement on products (for a fee of three cents per unit) to inform consumers that the manufacturer, producer, or importer of the product and other stakeholders participate in the Fund and are contributing to America's clean water; and (2) deposit amounts received in the Treasury. The EPA, with participation by the states, shall conduct a study to: (1) assess the affordability gap faced by low-income populations located in urban and rural areas in obtaining services from clean water and drinking water systems; and (2)

analyze options for programs to provide incentives for rate adjustments at the local level to achieve full cost or true value pricing for such services, while protecting low-income ratepayers from undue burden.

Status Update: no change since the last report.

**H.R.4648, Green Stormwater Infrastructure Investment Act.**

Introduced on Feb 29 by Congressman Derek Kilmer (D-WA-6) with one (now 2) cosponsor. The bill was referred to the Committee on Transportation and Infrastructure. No summary yet.

Status Update: no change since the last report.

**H.R.2898, Western Water and American Food Security Act of 2015.** Introduced on June 25 by Congressman David G. Valadao (R-CA-21) with twenty-six cosponsors. The bill passed the House on July 16 by recorded vote: 245 – 176 It is pending in the Senate. The bill includes various issues related to the following titles: Delta smelt management based on increased real-time monitoring and updated science; salmon management regarding new science; operational flexibility and drought relief; CALFED storage feasibility studies; water rights protections; Bureau of Reclamation streamlining; accelerated revenue, repayment, and surface water storage enhancement; and, dam safety.

Status Update: no change since the last report.

**H.R.2983, Drought Recovery and Resilience Act of 2015.** Introduced on July 8 by Congressman Jared Huffman (D-CA-2) with thirty-five (now 37) cosponsors. The bill was referred to the Committees on Natural Resources, Budget, Science, Space, and Technology, Transportation and Infrastructure, Energy and Commerce, Judiciary, Ways and Means, and Armed Services. The bill includes the WRWC’s proposed “National Water Recycling and Reclamation Act” grant program for water recycling projects.

Status Update: no change since the last report.

**S.2533, California Long-Term Provisions for Water Supply and Short-Term Provisions for Emergency Drought Relief Act.**

Introduced on Feb. 10 by Senator Dianne Feinstein (D-CA) with no cosponsors. The bill was referred to the Energy and Natural Resources Committee. Official summary is not on Thomas yet. The bill includes inclusion of the Coalition in the findings section regarding the national survey, the list of 105 water recycling projects/agencies that could produce more than 850,000 acre-feet of water and that the Secretary of the Interior must consider funding in addition to other qualifying projects, specifies a \$200 M authorization for Title XVI, and streamlines the program by eliminating the hurdle of congressional authorization for individual projects. The bill also increases the authorization of the Bureau of Reclamation’s WaterSMART program by \$150 million (from \$350 million to \$500 million) for long-term water conservation, reclamation and recycling projects. The Coalition strongly supports all of these. The bill also includes a RIFIA loan that allows up to 80% federal share, project bundling to meet the \$20M project cost threshold, and a final loan maturity date of not later than 40 years, all of which the Coalition supports and requested for inclusion in the bill. We also requested eligibility for private or investor-owned utilities and the flexibility for the Secretary the flexibility to set an interest rate below the prevailing Treasury rate. While neither are included in the introduced bill, the Feinstein staff has committed to continue working with the Coalition on these issues.

Status Update: no change since the last report.

**S.2532, A bill to authorize appropriations for the Drinking Water State Revolving Fund and the Clean Water State Revolving Fund.** Introduced on Feb. 10 by Senator Ben Cardin (D-MD) and referred to the Committee on Environment and Public Works. Official summary is not on Thomas yet. Bill included here because of subject matter regarding the WRRDA 2016 effort, Cardin's position on the Subcommittee on Fisheries, Water, and Wildlife of the Environment and Public Works Committee, and the latter being the Committee of jurisdiction over both WRRDA 2016 and the Clean Water SRF. The bill authorizes \$34.93B for the Clean Water SRF for FY16-20, and \$21.17B for the Safe Drinking Water SRF for FY16-20.

**Status Update:** no change since the last report.

**H.R.5247, California Long-Term Provisions for Water Supply and Short-Term Provisions for Emergency Drought Relief Act.** Introduced on May 16 by Congressman John Garamendi (D-CA-3) with three cosponsors. The bill was referred to the Committees on Natural Resources, Transportation and Infrastructure, Science, Space, and Technology, and Energy and Commerce.

Status Update: no change since the last report.

**S.176, W21, Water in the 21st Century Act**

Introduced on January 13 by Senator Barbara Boxer (D-CA) with two cosponsors. The bill was referred to the Committee on Environment and Public Works. The House companion bill is H.R.291. Water in the 21st Century Act or W21 establishes within the Environmental Protection Agency (EPA) a WaterSense program to identify, label, and promote water efficient products, buildings, landscapes, facilities, processes, and services. This bill establishes a program to provide financial incentives for consumers to purchase and install products, buildings, landscapes, facilities, processes, and services labeled under the WaterSense program. The EPA is required to make grants to owners or operators of water systems to address any ongoing or forecasted impact of climate change on a region's water quality or quantity. The Department of the Interior may: (1) provide financial assistance to water projects in specified states, including projects for water recycling, water infrastructure, enhanced energy efficiency, desalination, and water storage and conveyance; and (2) transfer to nonfederal entities title to any reclamation projects or facility in need of rehabilitation that are authorized before enactment of this Act. The U.S. Geological Survey must establish an open water data system to advance the availability, timely distribution, and widespread use of water data and information for water management, education, research, assessment, and monitoring purposes. This bill reauthorizes through FY2020 the Water Desalination Act of 1996 and water resources research and technology institutes under the Water Resources Research Act of 1984. After receiving a request from a nonfederal sponsor, the U.S. Army Corps of Engineers must review the operation of a reservoir and, if appropriate, update the water control manual to incorporate improved weather and runoff forecasting methods. The EPA is required to develop voluntary national drought resilience guidelines relating to preparedness planning and investments for water users and providers. The U.S. Fish and Wildlife Service must prepare a salmon drought plan for California.

Status Update: no change since the last report.

**H.R.291, W21, Water in the 21st Century Act**

Introduced on January 14 by Congresswoman Grace Napolitano (D-CA-32) with 28 (now 31) cosponsors. The bill was referred to the Committees on Natural Resources, Energy and Commerce, Science and Transportation and Infrastructure. The Senate companion bill is S.176. Water in the 21st Century Act or W21 establishes within the Environmental Protection Agency (EPA) a WaterSense program to identify, label, and promote water efficient products, buildings,

landscapes, facilities, processes, and services. This bill establishes a program to provide financial incentives for consumers to purchase and install products, buildings, landscapes, facilities, processes, and services labeled under the WaterSense program. The EPA is required to make grants to owners or operators of water systems to address any ongoing or forecasted impact of climate change on a region's water quality or quantity. The Department of the Interior may: (1) provide financial assistance to water projects in specified states, including projects for water recycling, water infrastructure, enhanced energy efficiency, desalination, and water storage and conveyance; and (2) transfer to nonfederal entities title to any reclamation projects or facility in need of rehabilitation that are authorized before enactment of this Act. The U.S. Geological Survey must establish an open water data system to advance the availability, timely distribution, and widespread use of water data and information for water management, education, research, assessment, and monitoring purposes. This bill reauthorizes through FY2020 the Water Desalination Act of 1996 and water resources research and technology institutes under the Water Resources Research Act of 1984. After receiving a request from a nonfederal sponsor, the U.S. Army Corps of Engineers must review the operation of a reservoir and, if appropriate, update the water control manual to incorporate improved weather and runoff forecasting methods. The EPA is required to develop voluntary national drought resilience guidelines relating to preparedness planning and investments for water users and providers. The U.S. Fish and Wildlife Service must prepare a salmon drought plan for California.

Status Update: no change since the last report.

#### **H.R.499, Sustainable Water Infrastructure Investment Act of 2015**

Introduced on January 22 by Congressman John Duncan (R-TN-2) with one (now 11) cosponsor. The bill was referred to the Ways and Means Committee. Amends the Internal Revenue Code to exempt from state volume caps tax-exempt facility bonds for sewage and water supply facilities

Status Update: no change since the last report.

#### **H.R.3756, WIFIA Improvement Act**

Introduced on October 16 by Congressman Carlos Curbello (R-FL-26) with 17 (now 24) cosponsors. The bill was referred to the Subcommittee on Environment and the Economy. The bill amends the Water Infrastructure Finance and Innovation Act of 2014 to repeal provisions prohibiting any project receiving federal credit assistance under such Act from being financed from the proceeds of tax-exempt bonds.

Status Update: no change since the last report.

#### **H.R.935, To establish a National Freight Network Trust Fund to improve the performance of the national freight network, and for other purposes.**

Introduced on Feb. 12 by Congresswoman Janice Hahn (D-CA-44) with 11 (now 18) cosponsors. The bill was referred to the Committees on Transportation and Infrastructure and Ways and Means. Last Congress: On July 14, Congresswoman Janice Hahn (D-CA), Co-Chair of the Congressional Ports Caucus, introduced H.R. 5101, the "National Freight Network Trust Fund Act of 2014". The legislation (with 39 cosponsors) calls for transferring five percent of all import duties collected by U.S. Customs and Border Protection (calculated to be about \$1.9B annually) into a new freight trust fund. Her goal is to use this bill to continue the freight funding discussion as the House Transportation and Infrastructure Committee starts to draft its MAP-21 reauthorization bill. Hahn's bill: operates as a competitive grant program in which the U.S. Secretary of Transportation makes the selections; requires a federal project cost share of 90 percent; names ports, states, and local and regional transportation bodies as eligible entities; names state freight plan projects and state transportation plan projects as eligible; specifies that



funds can be used for connectors, regional freight projects, cross-border projects, on dock rail, and intermodal freight facility projects; and, requires state freight plans be updated every five years.

Status Update: no change since the last report.

### **H.R.198, the “MOVE Freight Act of 2015”**

Introduced on January 7 by Congressman Albio Sires (D-NJ-8) with no (now 4) cosponsors. The bill was referred to the House Committee on Transportation and Infrastructure. The Multimodal Opportunities Via Enhanced Freight Act of 2015 or “MOVE Freight Act of 2015” defines the “national freight network” as a network composed of highways, railways, navigable waterways, seaports, airports, freight intermodal connectors, and aerotropolis transportation systems most critical to the multimodal movement of freight; revises requirements for establishment and designation of a national freight network; directs the Secretary of Transportation (DOT) to establish a national freight network for efficient movement of freight on highways (as currently), railways, and navigable waterways, as well as into and out of inland ports, seaports, and airports; re-characterizes the primary freight network as multimodal, including critical rail corridors, critical intermodal connections, and critical inland port, seaport, and airport infrastructure; directs the Secretary to require (currently, encourage) states to develop state freight plans for immediate and long-range planning activities and investments with respect to freight. Requires states to coordinate with neighboring states to ensure multistate network continuity and connectivity; directs the Secretary to establish a competitive grant program for capital investment projects that improve the efficiency of the national transportation system to move freight; limits the federal share of project net capital costs to 80%; and, requires a grant recipient to submit to the Secretary: (1) a project management plan and an annual financial plan for a project with a total cost of \$500 million or more, or (2) an annual financial plan for a project with a total cost of \$100 million or more.

Status Update: no change since the last report.

### **H.R.2716, Transportation Empowerment Act**

Introduced on June 10 by Congressman Ron DeSantis (R-FL-6) with 9 (now 49) cosponsors. The bill was referred to the Committees on Transportation and Infrastructure, Ways and Means, Budget and Rules. This bill prescribes a limitation on funding of transportation programs and projects for FY2016-FY2020. Appropriations out of the Highway Trust Fund (HTF) (other than the Mass Transit Account) are authorized for FY2016-FY2020, subject to a certain limitation, for specified core programs under the federal-aid highway program, including emergency relief for highways and roads, the federal lands transportation program, and Federal Highway Administration administrative expenses. A state may transfer and use excess federal-aid highway funds for any surface transportation project (including mass transit and rail). Certain limits are placed on federal assistance to states for highway bridge replacement and rehabilitation to bridges on the federal-aid highway system. Beginning with FY2015, a highway construction or improvement project shall not be considered a federal project: unless and until a state expends federal funds for the construction portion of the project, solely by reason of the state expenditure of federal funds before the construction phase of the project (including for any environmental document or design work), or upon state reimbursement to the federal government of the federal costs of such projects. The Internal Revenue Code is amended to make amounts in the HTF available for expenditure for core highway programs through FY2022. The Department of the Treasury shall pay from the HTF into the Treasury general fund amounts equivalent to the floor stocks refunds made before July 1, 2022, as well as into the Airport and Airway Trust Fund amounts equivalent to certain aviation fuel taxes received before October 1, 2022. A motor fuel tax rate schedule is prescribed for the financing of core highway programs. Treasury authority to

make certain transfers to the Mass Transit Account shall be terminated at the end of FY2016, at which time Treasury shall transfer all amounts from the Mass Transit Account to the Highway Account. The national highway performance program is revised to repeal program requirements for specified National Highway System transportation improvement projects, including environmental mitigation projects. The surface transportation program is revised to eliminate from eligibility for program assistance: carpool projects, fringe and corridor parking facilities and programs, including electric vehicle and natural gas vehicle infrastructure, and bicycle transportation and pedestrian walkways projects transportation alternatives; and environmental mitigation projects, including environmental restoration and pollution abatement projects Also repealed are: the obligation of a state to use a portion of program funds for replacement or rehabilitation of off-system bridges, metropolitan transportation planning requirements for federal-aid highways, and the authorization of federal assistance to states for historic bridges. Certain requirements of the highway safety improvement program are revised or repealed, eliminating eligibility for projects for pedestrian or bicyclist safety or safety of persons with disabilities. The congestion mitigation and air quality improvement program and the transportation alternatives program are repealed. Appropriations out of the HTF (other than the Mass Transit Account) are authorized for FY2016-FY2020 for the highway research and development program. Treasury shall allocate to the states for surface transportation projects (including mass transit and rail) any excess highway tax receipts appropriated to the HTF in FY2016-FY2019. Excise taxes on gasoline, diesel fuel or kerosene, and diesel-water fuel emulsion are reduced. Credits or refunds are required for certain floor stocks taxes on liquids imposed before October 1, 2020. This Act shall become effective only if the Office of Management and Budget certifies that it is deficit neutral.

Status Update: no change since the last report.

**S.1544. A bill to rescind unused earmarks provided for the Department of Transportation, and for other purposes.**

Introduced on June 10 by Senator Jeff Flake (R-AZ) with no (now 2) cosponsors. The bill was referred to the Committee on Appropriations. This bill rescinds unused earmarks previously appropriated to the Department of Transportation (DOT) and transfers the balances to the Highway Trust Fund. Under the House and Senate rules, an earmark is a provision or report language included primarily at the request of a Member of Congress providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific state, locality or congressional district, other than through a statutory or administrative formula-driven or competitive award process. Under this bill, earmarks provided to DOT are unused and rescinded if more than 90% of the funding remains available for obligation at the end of the 9th fiscal year following the year the earmark was made available. DOT may delay the rescission if it determines that an additional obligation is likely to occur during the 10th year after funds were made available. The bill requires each federal agency to submit an annual report to the Office of Management and Budget (OMB) identifying: (1) each earmark for a project that is ineligible for funding, (2) projects for which funding has been made available under an earmark, and (3) projects with unobligated balances. OMB must submit to Congress and post on its website an annual report including an accounting of unobligated earmarks, rescissions resulting from this bill, and DOT earmarks scheduled to be rescinded

Status Update: no change since the last report.

### **S.1732. Comprehensive Transportation and Consumer Protection Act of 2015**

Introduced on July 9 by Senator John Thune (R-SD) with two cosponsors. The bill was referred to the Committee on Commerce, Science, and Transportation and was ordered reported. This bill establishes in the Department of Transportation (DOT) Office of the Secretary an Interagency Infrastructure Permitting Improvement Center to support modernization efforts at federal agencies and interagency pilots for innovative approaches to the permitting and review of infrastructure projects. DOT shall establish a national multimodal freight network and develop a national freight strategic plan. States shall develop a freight investment plan. DOT shall develop a five-year transportation research and development (R&D) strategic plan. The Office of the Assistant Secretary for Research and Technology of the Research and Innovative Technology Administration is eliminated, and DOT shall be responsible generally for coordination and review of DOT R&D programs and activities. The bill also eliminates the DOT Office of Intermodalism of the Research and Innovative Technology Administration. *Port Performance Act* The Bureau of Transportation Statistics (BTS) shall establish a port performance statistics program to provide nationally consistent measures of performance of at least the nation's top 25 ports by tonnage, its top 25 ports by 20-foot equivalent unit, and its top 25 ports by dry bulk. The Federal Motor Carrier Safety Administration (FMCSA) shall commission the National Research Council of the National Academies to study the Safety Measurement System (SMS) and the Compliance, Safety, Accountability (CSA) program. The bill establishes a national hiring standard for motor carriers. *Drug Free Commercial Driver Act of 2015* Motor carriers may use hair testing as an acceptable alternative to mandatory urinalysis for detecting use of controlled substances by an operator, but only for preemployment testing and random testing. The FMCSA shall: establish procedures for exemption from federal hours of service requirements for commercial motor vehicle drivers, and a six-year pilot program to study the feasibility of allowing licensed drivers between ages 18 and 21 to operate commercial motor vehicles. DOT shall administer a financial assistance program for discretionary grants to and cooperative agreements with states, local governments, federally-recognized Indian tribes, and other persons to carry out high priority motor carrier safety activities and projects. DOT shall award separate grants to each state that: adopts and is enforcing a law that requires all individuals convicted of driving under the influence of alcohol or driving while intoxicated to receive a restriction on driving privileges; and either adopts and is enforcing a mandatory alcohol-ignition interlock law for all individuals convicted of driving under the influence of alcohol or of driving while intoxicated, or provides a 24-7 sobriety program. *Stop Motorcycle Checkpoint Funding Act* DOT may not award grants or funds to any state or local government for any program to check helmet usage or create checkpoints for motorcycle drivers or passengers. *Improving Driver Safety Act of 2015* States may use distracted driving incentive program grants for enforcement of distracted driving laws as well as highway safety program projects. DOT shall implement current information technology, web design trends, and best practices to ensure that motor vehicle safety recall information is readily accessible to the public on the federal website. *Driver Privacy Act of 2015* Any data in an event data recorder required to be installed in a passenger motor vehicle shall be the property of the vehicle owner or lessee, regardless of when the vehicle was manufactured. *Safety Through Informed Consumers Act of 2015* DOT shall promulgate a rule to ensure that passenger motor vehicle crash avoidance information is indicated next to crashworthiness information on stickers placed on motor vehicles by their manufacturers. The National Railroad Passenger Corporation (Amtrak) shall establish internal controls to ensure its costs, revenues, and other compensation are allocated to specified features of its national network activities. Amtrak shall submit to Congress and DOT final five-year business line plans and five-year asset plans. DOT shall develop a program for issuing three-year competitive operating assistance grants to states and other eligible entities to enhance intercity rail passenger service. DOT may make grants to states and other eligible entities to assist in financing the cost of rail projects to improve the safety of passenger and freight rail transportation systems. DOT shall require each Class I railroad carrier and entity providing

regularly scheduled intercity or commuter rail passenger transportation to develop a plan for implementing a positive train control (PTC) system by December 31, 2015, (currently, 2018) on certain of its tracks. *Track, Railroad, and Infrastructure Network Act* This bill exempts improvements to, maintenance, rehabilitation, or operation of railroad or rail transit lines (but not stations) that are in use or were historically used for the transportation of goods or passengers from federal policies and requirements for the preservation of public park and recreation lands, wildlife and waterfowl refuges, and historic sites. *Railroad Infrastructure Financing Improvement Act* The bill revises Railroad Rehabilitation and Improvement Financing program requirements.

Status Update: no change since the last report.

### **H.R.2353, Highway and Transportation Funding Act of 2015**

Introduced on May 15 by Congressman Bill Shuster (R-PA-9) with one cosponsor. Directs the Secretary of Transportation to reduce the amount apportioned for a surface transportation program, project, or activity for FY2015 by amounts apportioned or allocated under the Highway and Transportation Funding Act of 2014 for the period from October 1, 2014, through May 31, 2015. Amends the Highway and Transportation Funding Act of 2014 to continue from October 1, 2014, through July 31, 2015, and authorizes appropriations through that period for, specified federal-aid highway programs under: the Moving Ahead for Progress in the 21st Century Act (MAP-21), the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) Technical Corrections Act of 2008, SAFETEA-LU, the Transportation Equity Act for the 21st Century (TEA-21), the National Highway System Designation Act of 1995, the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), and other specified law. Subjects funding for such programs generally to the same manner of distribution, administration, limitation, and availability for obligation, but at a specified pro rata of the total amount, as funds authorized for appropriation out of the Highway Trust Fund (HTF) for such programs and activities for FY2014. Amends the Moving Ahead for Progress in the 21st Century Act (MAP-21) to authorize appropriations out of the general fund of the Treasury for the Tribal High Priority Projects program for the same period. Prescribes an obligation ceiling of \$33,528,284,932 for federal-aid highway and highway safety construction programs for the same period. Authorizes appropriations from the HTF (other than the Mass Transit Account) for administrative expenses of the federal-aid highway program for the same period. Extends for the same period the authorization of appropriations for National Highway Traffic Safety Administration (NHTSA) safety programs, including: highway safety research and development, national priority safety programs, the National Driver Register, the High Visibility Enforcement Program, and NHTSA administrative expenses. Amends SAFETEA-LU to extend for the same period high-visibility traffic safety law enforcement campaigns under the High Visibility Enforcement Program. Sets aside a specified amount of the total apportionment to states for highway safety programs for a cooperative program to research and evaluate priority highway safety countermeasures for the same period. Extends for the same period the authorization of appropriations for Federal Motor Carrier Safety Administration (FMCSA) programs, including: motor carrier safety grants, FMCSA administrative expenses, commercial driver's license program improvement grants, border enforcement grants, performance and registration information system management grants, commercial vehicle information systems and networks deployment grants, safety data improvement grants, a set-aside for high priority activities that improve commercial motor vehicle safety and compliance with commercial motor vehicle safety regulations, a set-aside for new entrant motor carrier audit grants, FMCSA outreach and education, and the commercial motor vehicle operators grant program. Amends the Dingell-Johnson Sport Fish Restoration Act to continue, for the same period, the authorized distribution of funds for coastal wetlands, recreational boating safety, projects under the Clean Vessel Act of 1992, boating infrastructure projects, and the National Outreach and Communications Program.

Extends for the same period the apportionment of non-urbanized (rural) area formula grants for competitive grants and formula grants for public transportation on Indian reservations. Extends the apportionment of urbanized area formula grants for passenger ferry projects for the same period. Extends for the same period the authorization of appropriations from the HTF Mass Transit Account for: formula grants for public transportation, including allocations for specified projects; research, development demonstration, and deployment projects; the transit cooperative research program; technical assistance and standards development grants; human resources and training grants; capital investment grants; and administrative expenses. Allocates, for the same period, certain amounts to states and territories for formula bus and bus facilities grants. Authorizes appropriations for the same period for hazardous materials (hazmat) transportation safety projects. Authorizes the Secretary to make certain expenditures, including an amount for hazmat training grants, from the Hazardous Materials Emergency Preparedness Fund for the same period. Amends the Internal Revenue Code to extend through July 31, 2015, the authority for expenditures from: (1) the HTF Highway and Mass Transit Accounts, (2) the Sport Fish Restoration and Boating Trust Fund, and (3) the Leaking Underground Storage Tank Trust Fund. Bill became law (PL 114-21).

Status Update: no change since the last report.

**H.R.2410. To authorize highway infrastructure and safety, transit, motor carrier, rail, and other surface transportation programs, and for other purposes.**

Introduced on May 19 by Congressman Peter DeFazio (D-OR-4) with 23 (now 62) cosponsors. The bill was referred to the Committees on Transportation and Infrastructure, Energy and Commerce, Ways and Means, Science, Space, and Technology, Natural Resources, Oversight and Government Reform, the Budget, and Rules. Prescribes requirements for environmental reviews with respect to state and federal agency engagement, obstruction of navigation, historic sites, categorical exclusion of multimodal projects from environmental review, and creation in the Department of Transportation (DOT) of an Interagency Infrastructure Permitting Improvement Center. Directs DOT to establish a multimodal freight incentive grant program and a National Freight Infrastructure Program. Re-designates the Dwight D. Eisenhower System of Interstate and Defense Highways as the National Highway System and the National Freight Network. Requires the federal long-range transportation plan to include a transportation system resilience assessment. Prescribes criteria for high performing metropolitan planning organizations (MPOs) representing urbanized areas with populations of over 200,000. Removes the congestion management process from the transportation planning process for MPOs. Directs DOT to establish a pilot program for up to 10 MPOs to improve multimodal connectivity and increase connections for disadvantaged Americans and neighborhoods with limited transportation options. Revises requirements with respect to congestion mitigation and air quality improvement, including electric vehicle charging stations and commercial motor vehicle anti-idling facilities in rest areas along the Interstate System. Establishes in DOT: a discretionary TIGER Infrastructure Grant Program for various transportation projects; and a discretionary FAST Grant Program to reform the way surface transportation investments and decisions are made, implemented, and funded to achieve national transportation outcomes. Revises requirements for the funding of railroad rehabilitation and improvement financing, the state infrastructure bank program, toll roads, bridges, tunnels, and ferries. Establishes within DOT the position of Assistant Secretary for Innovative Finance. Reauthorizes the federal-aid highway and related programs through FY2021, including revised obligation limitation and apportionment requirements. Directs DOT to: establish a nationally significant federal lands and tribal projects program to fund construction, reconstruction, or rehabilitation of nationally significant federal lands and tribal transportation projects; carry out a broadband infrastructure deployment initiative; create a program to make critical and immediate improvements to infrastructure and highway safety; set-aside specified funds for states for highway safety data improvement

activities on public roads; and create and maintain data sets and data analysis tools to assist MPOs, states, and the DOT in carrying out performance management analyses. Federal Public Transportation Act of 2015 Revises fixed guideway capital investment grants requirements. Authorizes grants to state and local governments for very small starts projects. Revises requirements for formula grants for enhanced mobility and for rural areas, workforce development programs, and the public transportation safety program. Requires recipients of transportation assistance to meet certain standards for hiring locally. Reauthorizes specified public transportation assistance programs through FY2021. Authorizes DOT to make competitive grants to state and local governmental entities for bus rapid transit projects. Authorizes appropriations for specified highway safety programs through FY2021, and revises related requirements. Revises criteria for state graduated driver licensing incentive grants. Adds a 24-7 sobriety program to criteria for state repeat offender and open container laws. Authorizes specified amounts of grant funds to states for distracted driving enforcement. Authorizes appropriations for specified motor vehicle safety programs through FY2021, and increases penalties for safety violations. Revises certain reporting requirements for tire manufacturers. Requires DOT to conduct a pilot grant program to evaluate the feasibility and effectiveness for a state process for informing consumers of open motor vehicle recalls at the time of motor vehicle registration. Revises specified requirements for commercial motor vehicle and commercial driver safety. Requires disqualification to operate a commercial motor vehicle for anyone who fails to pay an assessed civil penalty for a motor vehicle safety violation. Revises certain medical and registration requirements for commercial motor vehicle operators. Revises requirements for the Motor Carrier Safety Assistance Program. Directs DOT to administer a High Priority Program, an innovative technology deployment grant program, and a Commercial Motor Vehicle Operators Grant Program. Authorizes DOT to establish: a motor carrier safety facility working capital fund, and a financial assistance program for commercial driver's license program implementation. Directs DOT to maintain for the Federal Motor Carrier Safety Administration a motor carrier safety advisory committee. Revises requirements for the Unified Carrier Registration System plan. Repeals the authorization for self-insurance by motor carriers. Prescribes notice requirements relating to decisions that electronic logging devices fail to comply with standards. Authorizes DOT to issue regulations: governing contractors that exercise control over motor carrier operations; and requiring motor vehicle employers to track and compensate employees for on-duty, not-driving time. Authorizes DOT, with respect to unsafe conditions or practices in the transportation of hazardous materials (hazmat transportation), to order necessary: operational controls, restrictions, and prohibitions without prior notice or an opportunity for a hearing; and removal, remediation, or disposal of hazardous materials causing unreasonable risk of death, personal injury, or significant harm to the property or the environment. Authorizes DOT to collect reasonable fees for the administration of the special permits and approvals for deposit into a Hazardous Materials Approvals and Permits Fund. Revises requirements for planning and training grants under the Emergency Planning and Community Right-To-Know Act of 1986. Reauthorizes the program for regulating hazmat transportation through FY2021. Amends the Internal Revenue Code to extend through FY2023 specified highway-related taxes as well as requirements for expenditures from the Sport Fish Restoration and Boating Trust Fund. Replaces the Highway Trust Fund with a Transportation Trust Fund, and authorizes appropriations to it through FY2021. Directs DOT to establish and support a National Cooperative Freight Transportation Research Program and a Priority Multimodal Research Program. Revises the competitive selection process for the university transportation centers consortia program. Requires the Director of the Bureau of Transportation Statistics (BTS) to create data sets and data analysis tools for intermodal transportation data. Establishes in the BTS a National Transportation Library. Authorizes the BTS Director to establish a Port Performance Statistics Program to provide nationally consistent measures of performance of the nation's maritime ports. Revises requirements for the intelligent transportation system (ITS) program. Includes as an ITS program goal the development and deployment of automated vehicles in all

modes of surface transportation. Prescribes requirements for the use of funds to develop ITS infrastructure, equipment, and *systems*. *Rail for America Act* Directs DOT to facilitate by financial assistance the establishment of a National High-Performance Rail System of integrated passenger and freight rail services, including a Current Passenger Rail Service Program and a Rail Service Improvement Program. Authorizes appropriations through FY2021 for the System and for the planning, development, construction, and implementation of rail corridors and related infrastructure improvements. Requires Amtrak to submit to the Secretary draft 5-year business line plans and draft 5-year capital asset plans. Authorizes DOT to establish Regional Rail Development Authorities, including a Regional Committee, to facilitate the development of multi-state high-performance rail services, and to coordinate these investments with other rail, transit, highway, and aviation system services. Prescribes requirements for the standardization of passenger equipment and level-entry boarding platforms. Directs DOT to: evaluate the shared-use of right-of-way by passenger and freight rail systems and the operational, institutional, and legal structures that would best support improvements to both of these systems; and conduct a nationwide disparity and availability study to establish the availability and utilization of small business concerns owned and controlled by socially and economically disadvantaged individuals in publicly funded railroad projects. Requires DOT to complete a National Rail Development Plan meeting certain criteria, and facilitate development of Regional Rail Development Plans. Authorizes DOT to prescribe regulations or issue orders to require host railroads for joint operations that occur within a small geographic area to develop unified rules governing all operations within that area. Revises or prescribes requirements relating to positive train control, hours of service, maximum employee duty hours, safety appliances, locomotive inspections, noise emission standards, and damaged track inspection equipment. Authorizes federal agency heads to construct, install, operate, and maintain electric charging infrastructure for official agency vehicles.

Status Update: no change since the last report.

#### **S.206, Local Transportation Infrastructure Act**

Introduced on January 21 by Senator Kelly Ayotte (D-NH) with no cosponsors. The bill was referred to the Committee on Commerce, Science and Transportation. The bill revises and reauthorizes the state infrastructure bank program for FY2015 and FY2016.

Status Update: no change since the last report.

#### **H.R.652, State Transportation and Infrastructure Financing Innovation Act (STIFIA)**

Introduced on February 3 by Congressman Richard Hanna (R-NY-22) with 3 cosponsors. The bill was referred to the Subcommittee on Highways and Transit of the Transportation and Infrastructure Committee. The bill revises and reauthorizes the state infrastructure bank program for FY2016-FY2020.

Status Update: no change since the last report.

#### **H.R.413, Partnership to Build America Act of 2015**

Introduced on January 21 by Congressman John Delaney (D-MD-6) with 34 (now 41) cosponsors. The bill was referred to the Committees on Ways and Means and Transportation and Infrastructure. The bill establishes the American Infrastructure Fund (AIF) as a wholly-owned government corporation to provide bond guarantees and make loans to state and local governments, non-profit infrastructure providers, private parties, and public-private partnerships for state or local government sponsored transportation, energy, water, communications, or educational facility infrastructure projects (Qualified Infrastructure Projects [QIPs]). Authorizes AIF also to make equity investments in QIPs. Directs the Secretary of the Treasury, acting

through the AIF, to issue American Infrastructure Bonds with an aggregate face value of \$50 billion. Requires proceeds from the sale of the bonds to be deposited into the AIF. Amends the Internal Revenue Code to allow U.S. corporations to exclude from gross income qualified cash dividend amounts received during a taxable year from a foreign-controlled corporation equal to the face value of qualified infrastructure bonds the corporation has purchased. Prohibits allowance of a foreign tax credit to the excluded portion of any dividend received by a U.S. corporation. Prohibits also the allowance of a deduction for expenses related to that excludable portion.

Status Update: no change since the last report.

### **H.R.625, Infrastructure 2.0 Act**

Introduced on January 30 by Congressman John Delaney (D-MD-6) with 4 (now 24) cosponsors. The bill was referred to the Committees on Rules, Ways and Means and Transportation and Infrastructure. Amends the Internal Revenue Code, with respect to the taxation of earnings and profits of a deferred foreign income corporation, to: (1) make such earnings and profit subject to taxation in the last taxable year that ends before the enactment of this Act; (2) reduce the rate of tax on such earnings and profits by allowing an exemption of 75% (equal to a tax of 8.75% of repatriated earnings and profits); and (3) allow such corporations to elect to pay such tax in eight installments. Establishes the American Infrastructure Fund to provide assistance to states, local governments, and other public and private entities for investment in public infrastructure projects. Appropriates tax revenues from this Act to the Highway Trust Fund. Establishes the Highway Trust Fund Solvency Commission to submit recommendations and proposed legislation for achieving long-term solvency of the Highway Trust Fund. Sets forth congressional procedures for the expedited consideration of a bill containing such legislation. Directs the Secretary of Transportation to establish a regional infrastructure accelerator pilot program to assist public entities in developing infrastructure projects. Establishes a deadline of 18 months after the enactment of this Act for the enactment of legislation that reforms the international tax system by eliminating the incentive to hold earnings in low-tax jurisdictions. Imposes a tax on repatriated offshore corporate earnings upon the expiration of the deadline. Sets forth provisions for the reform of the international tax system (to be effective if reform legislation is not enacted by the 18-month deadline established by this Act), including provisions relating to subpart F income and insurance income, gains and losses from the sale or exchange of stock in controlled foreign corporations, limitations on the foreign tax credit, and the tax treatment of previously deferred foreign income.

Status Update: no change since the last report.

### **H.R.211, REBUILD Act**

Introduced on January 8 by Congressman Ken Calvert (R-CA-42) with no cosponsors. The bill was referred to the House Committee on Natural Resources. This bill amends the National Environmental Policy Act of 1969 (NEPA) to authorize: (1) the assignment to states of federal environmental review responsibilities under NEPA and other relevant federal environmental laws for covered federal projects, and (2) states to assume all or part of those responsibilities. Each responsible federal official who is authorized to assign such responsibility must promulgate regulations that establish requirements relating to information required to be contained in state applications to assume those responsibilities. An official may approve an application only if: (1) public notice requirements have been met, (2) the state has the capability to assume the responsibilities, and (3) the head of the state agency having primary jurisdiction over covered projects enters into a written agreement with an official to assume the responsibilities and to maintain the financial resources necessary to carry them out. The officials must audit state compliance with federal laws for which responsibilities are assumed. The officials may terminate



the responsibilities assigned to states after providing notice to states of any noncompliance and an opportunity to take corrective action.

Status Update: no change since the last report.

### **S.268, Rebuild America Act of 2015**

Introduced on January 27 by Senator Bernard Sanders (I-VT) with one cosponsor. The bill was referred to the Committee on Banking, Housing, and Urban Affairs. Reduces the non-federal share of the cost of any activity funded by this Act by 50% of what it was before enactment of this Act. Appropriates funds for FY2015-FY2022 to the Highway Trust Fund to improve roads, bridges, and other U.S. transportation infrastructure. Appropriates funds for FY2015-FY2019: (1) for intercity high-speed rail service, (2) to provide credit assistance for surface transportation projects of national and regional significance, (3) to implement airport improvement and noise compatibility projects at public-use airports, (4) to the Federal Aviation Administration to accelerate deployment of satellite technology to improve airport safety and capacity, and (5) for the TIGER Discretionary Grant Program. Appropriates funds for FY2015-FY2019 for water infrastructure, including to: (1) the Environmental Protection Agency for capitalization grants to states to establish water pollution control revolving funds and drinking water treatment revolving loan funds and for loans for large water infrastructure projects that are ineligible for funding from a state revolving loan fund; (2) the Federal Emergency Management Agency to carry out the predisaster hazard mitigation program for minor localized flood reduction projects and major flood risk reduction projects; and (3) the Army Corps of Engineers for inland waterways projects, coastal harbors and channels, inland harbors, and dams and levees. Appropriates funds for FY2015-FY2019 for the National Park Service. Appropriates funds for FY2015-FY2019 for the Broadband Initiatives Program, the Broadband Technology Opportunities Program, and the Department of Energy to modernize the electric grid. Establishes the National Infrastructure Development Bank as a wholly owned government corporation. Makes the Bank's Board of Directors responsible for monitoring and overseeing energy, environmental, telecommunications, data, or transportation infrastructure projects. Authorizes the Board to: make senior and subordinated loans and purchase senior and subordinated debt securities; issue and sell debt securities of the Bank; issue public benefit bonds and provide direct subsidies to infrastructure projects from the proceeds; make loan guarantees; borrow on the global capital market and lend to regional, state, and local entities, and commercial banks, to fund infrastructure projects; and purchase, pool, and sell infrastructure-related loans and securities on the global capital market. Requires the Board to establish: (1) an Executive Committee, a Risk Management Committee, and an Audit Committee; and (2) criteria for determining eligibility for financial assistance from the Bank and disclosure and application procedures for entities to nominate projects for such assistance. Requires the Bank to conduct an analysis that considers the economic, environmental, and social benefits and costs of each project under consideration, prioritizing projects that contribute to economic growth, lead to job creation, and are of regional or national significance. Sets forth criteria to be considered by the Board in determining the eligibility of transportation, environmental, energy, and telecommunications infrastructure projects for assistance. Exempts all bonds issued by the Bank from state or local government taxation. Deems all debt securities and other obligations issued by the Bank to be exempt securities within the meaning of laws administered by the Securities and Exchange Commission. Sets forth requirements regarding compliance of financed infrastructure projects with prevailing wage rate, domestic content, and buy American statutes. Authorizes appropriations for the capitalization of the Bank.

Status Update: no change since the last report.

**H.R.1308, Economy in Motion: The National Multimodal and Sustainable Freight Infrastructure Act**

Introduced on March 4 by Congressman Alan Lowenthal (D-CA-47) with 3 (now 15) cosponsors. The bill was referred to the Committees on Transportation and Infrastructure and Ways and Means. The bill directs the Secretary of Transportation to: (1) establish a Multimodal Freight Funding Formula Program to distribute funds to states, and a National Freight Infrastructure Competitive Grant Program to make grants to entities for projects, to improve the efficiency and reliability of freight movement in the United States; (2) establish a multimodal national freight network to accomplish the goals of the national freight policy, including increasing the productivity and efficiency of the national freight system and improving its safety, security, and resilience; (3) develop, maintain, and post on the public website of the Department of Transportation a national freight strategic plan that includes an assessment of the condition and performance of the national freight system; and (4) develop and improve tools to support an outcome-oriented, performance-based approach to evaluate proposed freight-related and other transportation projects. Amends the Moving Ahead for Progress in the 21st Century Act (or MAP-21) to: (1) expand the membership and duties of state freight advisory committees; and (2) require state freight plans to include strategies and goals to decrease greenhouse gas emissions, local air pollution, water runoff, and wildlife habitat loss. Amends the Internal Revenue Code to: (1) impose a 1% excise tax upon taxable ground transportation of property (i.e., transportation by freight rail or truck trailer and semitrailer chassis and bodies, suitable for use with a trailer or semitrailer with a gross vehicle weight of 26,000 pounds or more), and (2) deposit such tax revenues into a Freight Trust Fund (established by this Act) to finance the Multimodal Freight Program.

Status Update: no change since the last report.

**H.R.1330, American-Made Energy and Infrastructure Jobs Act**

Introduced on March 4 by Congressman Steve Stivers (R-OH-15) with one cosponsor. The bill was referred to the Committees on Natural Resources, Ways and Means, Energy and Commerce and Transportation and Infrastructure. Directs the Secretary to collect non-refundable fees from the operators of facilities subject to inspection under this Act. Establishes in the Treasury the Ocean Energy Enforcement Fund as depository for oil and gas leasing fees. Redefines the OCS to include all submerged lands lying within the U.S. exclusive economic zone and the Continental Shelf adjacent to any U.S. territory. Authorizes the Secretary of the Treasury, with the President's approval, to: (1) borrow for highway and transportation project expenditures and for water infrastructure expenditures, and (2) issue interest-bearing infrastructure revenue bonds for the amounts borrowed. Amends the Internal Revenue Code to appropriate to the Highway Trust Fund 95% of any proceeds from the issuance of such infrastructure revenue bonds. Makes available to the Administrator of the Environmental Protection Agency for making capitalization grants to eligible states: (1) 2.5% of infrastructure revenue bond proceeds for grants under the Federal Water Pollution Control Act, and (2) 2.5% of such proceeds for grants under Safe Drinking Water Act.

Status Update: no change since the last report.

**H.R.278, Transportation Investment Generating Economic Recovery for Cities Underfunded Because of Size Act of 2015 or TIGER CUBS Act**

Introduced on January 12 by Congressman Rick Larsen (D-WA-2) with one cosponsor. The bill was referred to the Committees on Appropriations and Budget. The bill provides \$500 million in supplemental FY2015 appropriations to the Department of Transportation for national infrastructure investments under a competitive grant program commonly known as the Transportation Investment Generating Economic Recovery (TIGER) program. At least \$100

million of the funds must be used for projects located in cities with populations between 10,000 and 50,000. The funding provided by this bill is designated as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985. This funding is only available if the President designates the amounts as an emergency and submits the designation to Congress.

Status Update: no change since the last report.

### **H.R.680, Update, Promote, and Develop America's Transportation Essentials Act of 2015**

Introduced on February 3 by Congressman Earl Blumenauer (D-OR-3) with 25 (now 38) cosponsors. The bill was referred to the House Committee on Ways and Means. The bill expresses the sense of Congress that by 2024 the gas tax should be repealed and replaced with a more sustainable, stable funding source. Amends the Internal Revenue Code, with respect to the excise tax on motor fuels, to increase the rate of tax on: (1) gasoline other than aviation gasoline to 26.3 cents per gallon in 2016, 30.3 cents per gallon in 2017, and 33.3 cents per gallon after 2017 and before 2028; (2) diesel fuel or kerosene to 32.3 cents per gallon in 2016, 36.3 cents per gallon in 2017, and 39.3 cents per gallon after 2017 and before 2027; and (3) diesel-water fuel emulsion. Delays the termination of such increased rates from the end of FY2016 to December 31, 2026. Requires an adjustment for inflation to such increased rates beginning after 2017. Increases allocations in the Mass Transit Account of the Highway Trust Fund in 2016 and 2017 and after 2017. Imposes a floor stocks tax on rate increases for gasoline, diesel fuel, and kerosene (other than aviation-grade kerosene), subject to specified exemptions for exempt uses and low-volume producers.

Status Update: no change since the last report.

### **S.762, Innovation in Surface Transportation Act of 2015**

Introduced on March 17 by Senator Roger Wicker (R-MS) with 3 cosponsors. The bill was referred to the Committee on Environment and Public Works. The bill directs the Secretary of Transportation, in coordination with state transportation departments, to establish an innovation in surface transportation program. Requires states to make competitive grants for innovative surface transportation projects to eligible entities, including local governments, metropolitan planning organizations, regional transportation authorities, transit agencies, tribal governments, private providers of public transportation, nonprofit transportation organizations, port authorities, joint power authorities, freight rail providers, and local rail authorities. Requires each state (including the governor and state department of transportation) to establish an innovation in surface transportation selection panel to formulate criteria for selecting projects. Requires a state to reserve certain percentages of federal funds apportioned for the national highway performance, the highway safety improvement, the congestion mitigation and air quality improvement, surface transportation, and transportation alternatives programs in order to fund related projects under state innovative surface transportation grants. Authorizes states to reserve a certain percentage of such funds for a fiscal year to meet specific requests for project application support from eligible rural local governments.

Status Update: no change since the last report.

### **H.R.1620, 414 Plan Act of 2015**

Introduced on March 25 by Congressman Randy Forbes (R-VA-4) with no cosponsors. The bill was referred to the House Committee on Transportation and Infrastructure. Declares that federal laws and regulations (including prevailing rate of wage requirements under the Davis-Bacon Act) shall not apply to any federal-aid highway or highway safety construction project, except those relating to: (1) the safety or durability of a highway facility, or (2) public or workplace

safety. Repeals the prohibition against approval of federal-aid highway projects or regulatory actions that will result in the severance of an existing major route or have significant adverse impact on the safety for non-motorized transportation traffic and light motorcycles, unless the project or action provides for a reasonable alternative route or such a route exists. Defines "transportation alternatives" as any of the following activities when carried out as part of an authorized or funded federal-aid highway program or project, or as an independent program or project related to surface transportation for the construction, planning, and design of: (1) transportation projects to achieve compliance with the Americans with Disabilities Act of 1990; or (2) infrastructure-related projects and systems that will provide safe routes for nondrivers, including children, older adults, and individuals with disabilities to access daily needs. Repeals the authorization for states to use certain funds for construction of pedestrian walkways and bicycle transportation facilities. Eliminates the requirement that statewide transportation plans and statewide transportation improvement programs provide for the development of accessible pedestrian walkways and bicycle transportation facilities. Expresses the sense of Congress that states, federal agencies, localities, and private stakeholders should take steps toward increased cooperation to further expedite surface transportation projects.

Status Update: no change since the last report.

### **H.R.3038, Highway and Transportation Funding Act of 2015, Part II**

Introduced on July 13 by Congressman Paul Ryan (R-WI-1) with one cosponsor. The bill passed the House and was placed on Senate Legislative Calendar. Directs the Secretary of Transportation to reduce the amount apportioned for a surface transportation program, project, or activity for FY2015 by amounts apportioned or allocated under the Highway and Transportation Funding Act of 2014 and the Highway and Transportation Funding Act of 2015 for the period from October 1, 2014, through July 31, 2015. TITLE I--SURFACE TRANSPORTATION PROGRAM EXTENSION Subtitle A--Federal-Aid Highways (Sec.1001) Amends the Highway and Transportation Funding Act of 2014 to continue from October 1, 2014, through December 18, 2015, and authorizes appropriations through that period for, specified federal-aid highway programs under: the Moving Ahead for Progress in the 21st Century Act (MAP-21) the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) Technical Corrections Act of 2008, SAFETEA-LU, the Transportation Equity Act for the 21st Century (TEA-21), the National Highway System Designation Act of 1995, the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), and other specified law. Subjects funding for FY2015, and for the period October 1, 2015, through December 18, 2015, for such programs to certain funding level restrictions. Amends MAP-21 to authorize appropriations out of the general fund of the Treasury for the Tribal High Priority Projects program for the same period. Prescribes an obligation ceiling of \$40.256 billion for FY2015, including \$8,689,136,612 for the period October 1, 2015, through December 18, 2015, for federal-aid highway and highway safety construction programs. (Sec. 1002) Authorizes appropriations from the HTF (other than the Mass Transit Account) for administrative expenses of the federal-aid highway program for the same period. Subtitle B--Extension of Highway Safety Programs (Sec. 1101) Extends for the same period the authorization of appropriations for National Highway Traffic Safety Administration (NHTSA) safety programs, including: highway safety research and development, national priority safety programs, the National Driver Register, the High Visibility Enforcement Program, and NHTSA administrative expenses. Amends SAFETEA-LU to extend for the same period high-visibility traffic safety law enforcement campaigns under the High Visibility Enforcement Program. Sets aside a specified amount of the total apportionment to states for highway safety programs for a cooperative program to research and evaluate priority highway safety countermeasures for the same period. (Sec. 1102) Extends for the same period the authorization of appropriations for Federal Motor Carrier Safety Administration (FMCSA) programs, including: motor carrier safety grants, FMCSA administrative expenses, commercial

driver's license program improvement grants, border enforcement grants, performance and registration information system management grants, commercial vehicle information systems and networks deployment grants, safety data improvement grants, a set-aside for high priority activities that improve commercial motor vehicle safety and compliance with commercial motor vehicle safety regulations, a set-aside for new entrant motor carrier audit grants, FMCSA outreach and education, and the commercial motor vehicle operators grant program. (Sec. 1103) Amends the Dingell-Johnson Sport Fish Restoration Act to continue, for the same period, the authorized distribution of funds for coastal wetlands, recreational boating safety, projects under the Clean Vessel Act of 19921, boating infrastructure projects, and the National Outreach and Communications Program. Subtitle C--Public Transportation Programs (Sec. 1201) Extends for the same period the apportionment of non-urbanized (rural) area formula grants for competitive grants and formula grants for public transportation on Indian reservations. (Sec. 1202) Extends the apportionment of urbanized area formula grants for passenger ferry projects for the same period. (Sec. 1203) Extends for the same period the authorization of appropriations from the HTF Mass Transit Account for: formula grants for public transportation, including allocations for specified projects; research, development demonstration, and deployment projects; the transit cooperative research program; technical assistance and standards development grants; human resources and training grants; capital investment grants; and administrative expenses. (Sec. 1204) Allocates, for the same period, certain amounts to states and territories for formula bus and bus facilities grants. Subtitle D--Hazardous Materials (Sec. 1301) Authorizes appropriations for the same period for hazardous materials (hazmat) transportation safety projects. Authorizes the Secretary to make certain expenditures, including an amount for hazmat training grants, from the Hazardous Materials Emergency Preparedness Fund for the same period. TITLE II--REVENUE PROVISIONS (Sec. 2001) Amends the Internal Revenue Code to extend through December 19, 2015, the authority for expenditures from: (1) the Highway and Mass Transit Accounts of the Highway Trust Fund, (2) the Sport Fish Restoration and Boating Trust Fund, and (3) the Leaking Underground Storage Tank Trust Fund. (Sec. 2002) Appropriates additional funds to the Highway and Mass Transit Accounts of the Highway Trust Fund. (Sec. 2003) Requires tax information returns reporting mortgage interest received in a trade or business to include: (1) the outstanding principal on the mortgage, (2) the date of the origination of the mortgage, and (3) the address of the property which secures the mortgage. (Sec. 2004) Requires that: (1) the value of the basis in any property acquired from a decedent be consistent with the basis as determined for estate tax purposes; and (2) executors of estates disclose to the Internal Revenue Service and to persons acquiring any interest in the decedent's estate information identifying the value of each interest received. (Sec. 2005) Makes the six-year limitation on assessments of additional tax applicable to understatements of gross income due to an overstatement of unrecovered costs or other basis. (Sec. 2006) Changes tax return due dates for partnerships, S corporations, and C corporations. Extends the automatic extension for corporate income tax returns from three to six months. (Sec. 2007) Extends through 2025 the authority for transfers of excess pension assets of a defined benefit plan to a retiree health benefits account. (Sec. 2008) Equalizes excise tax rates for liquefied petroleum gas, liquefied natural gas, and compressed natural gas. TITLE III--ADDITIONAL PROVISIONS (Sec. 3001) Revises aviation security service passenger fee requirements. Requires the deposit into the Treasury as offsetting receipts the following sums collected to pay the costs of providing civil aviation security services to airline passengers: \$1.560 billion for FY2024, and \$1.6 billion for FY2025.

Status Update: no change since the last report.

**H.R.3064. To authorize highway infrastructure and safety, transit, motor carrier, rail, and other surface transportation programs, and for other purposes.**

Introduced on July 6 by Congressman Chris Van Hollen (D-MD-8) with eight (now 12) cosponsors and referred to the Committees on Transportation and Infrastructure, Energy and

Commerce, Ways and Means, Science, Space, and Technology, Natural Resources, Oversight and Government Reform, Budget, and Rules. Prescribes requirements for environmental reviews with respect to state and federal agency engagement, obstruction of navigation, historic sites, categorical exclusion of multimodal projects from environmental review, and creation in the Department of Transportation (DOT) of an Interagency Infrastructure Permitting Improvement Center. Directs DOT to establish a multimodal freight incentive grant program and a National Freight Infrastructure Program. Re-designates the Dwight D. Eisenhower System of Interstate and Defense Highways as the National Highway System and the National Freight Network. Requires the federal long-range transportation plan to include a transportation system resilience assessment. Prescribes criteria for high performing metropolitan planning organizations (MPOs) representing urbanized areas with populations of over 200,000. Removes the congestion management process from the transportation planning process for MPOs. Directs DOT to establish a pilot program for up to 10 MPOs to improve multimodal connectivity and increase connections for disadvantaged Americans and neighborhoods with limited transportation options. Revises requirements with respect to congestion mitigation and air quality improvement, including electric vehicle charging stations and commercial motor vehicle anti-idling facilities in rest areas along the Interstate System. Establishes in DOT: a discretionary TIGER Infrastructure Grant Program for various transportation projects; and a discretionary FAST Grant Program to reform the way surface transportation investments and decisions are made, implemented, and funded to achieve national transportation outcomes. Revises requirements for the funding of railroad rehabilitation and improvement financing, the state infrastructure bank program, toll roads, bridges, tunnels, and ferries. Establishes within DOT the position of Assistant Secretary for Innovative Finance. Reauthorizes the federal-aid highway and related programs through FY2021, including revised obligation limitation and apportionment requirements. Directs DOT to: establish a nationally significant federal lands and tribal projects program to fund construction, reconstruction, or rehabilitation of nationally significant federal lands and tribal transportation projects; carry out a broadband infrastructure deployment initiative; create a program to make critical and immediate improvements to infrastructure and highway safety; set-aside specified funds for states for highway safety data improvement activities on public roads; and create and maintain data sets and data analysis tools to assist MPOs, states, and the DOT in carrying out performance management analyses. Federal Public Transportation Act of 2015 Revises fixed guideway capital investment grants requirements. Authorizes grants to state and local governments for very small starts projects. Revises requirements for formula grants for enhanced mobility and for rural areas, workforce development programs, and the public transportation safety program. Requires recipients of transportation assistance to meet certain standards for hiring locally. Reauthorizes specified public transportation assistance programs through FY2021. Authorizes DOT to make competitive grants to state and local governmental entities for bus rapid transit projects. Authorizes appropriations for specified highway safety programs through FY2021, and revises related requirements. Revises criteria for state graduated driver licensing incentive grants. Adds a 24-7 sobriety program to criteria for state repeat offender and open container laws. Authorizes specified amounts of grant funds to states for distracted driving enforcement. Authorizes appropriations for specified motor vehicle safety programs through FY2021, and increases penalties for safety violations. Revises certain reporting requirements for tire manufacturers. Requires DOT to conduct a pilot grant program to evaluate the feasibility and effectiveness for a state process for informing consumers of open motor vehicle recalls at the time of motor vehicle registration. Revises specified requirements for commercial motor vehicle and commercial driver safety. Requires disqualification to operate a commercial motor vehicle for anyone who fails to pay an assessed civil penalty for a motor vehicle safety violation. Revises certain medical and registration requirements for commercial motor vehicle operators. Revises requirements for the Motor Carrier Safety Assistance Program. Directs DOT to administer a High Priority Program, an innovative technology deployment grant program, and a Commercial Motor Vehicle Operators Grant Program. Authorizes DOT to

establish: a motor carrier safety facility working capital fund, and a financial assistance program for commercial driver's license program implementation. Directs DOT to maintain for the Federal Motor Carrier Safety Administration a motor carrier safety advisory committee. Revises requirements for the Unified Carrier Registration System plan. Repeals the authorization for self-insurance by motor carriers. Prescribes notice requirements relating to decisions that electronic logging devices fail to comply with standards. Authorizes DOT to issue regulations: governing contractors that exercise control over motor carrier operations; and requiring motor vehicle employers to track and compensate employees for on-duty, not-driving time. Authorizes DOT, with respect to unsafe conditions or practices in the transportation of hazardous materials (hazmat transportation), to order necessary: operational controls, restrictions, and prohibitions without prior notice or an opportunity for a hearing; and removal, remediation, or disposal of hazardous materials causing unreasonable risk of death, personal injury, or significant harm to the property or the environment. Authorizes DOT to collect reasonable fees for the administration of the special permits and approvals for deposit into a Hazardous Materials Approvals and Permits Fund. Revises requirements for planning and training grants under the Emergency Planning and Community Right-To-Know Act of 1986. Reauthorizes the program for regulating hazmat transportation through FY2021. Amends the Internal Revenue Code to extend through FY2023 specified highway-related taxes as well as requirements for expenditures from the Sport Fish Restoration and Boating Trust Fund. Replaces the Highway Trust Fund with a Transportation Trust Fund, and authorizes appropriations to it through FY2021. Directs DOT to establish and support a National Cooperative Freight Transportation Research Program and a Priority Multimodal Research Program. Revises the competitive selection process for the university transportation centers consortia program. Requires the Director of the Bureau of Transportation Statistics (BTS) to create data sets and data analysis tools for intermodal transportation data. Establishes in the BTS a National Transportation Library. Authorizes the BTS Director to establish a Port Performance Statistics Program to provide nationally consistent measures of performance of the nation's maritime ports. Revises requirements for the intelligent transportation system (ITS) program. Includes as an ITS program goal the development and deployment of automated vehicles in all modes of surface transportation. Prescribes requirements for the use of funds to develop ITS infrastructure, equipment, and systems. Rail for America Act Directs DOT to facilitate by financial assistance the establishment of a National High-Performance Rail System of integrated passenger and freight rail services, including a Current Passenger Rail Service Program and a Rail Service Improvement Program. Authorizes appropriations through FY2021 for the System and for the planning, development, construction, and implementation of rail corridors and related infrastructure improvements. Requires Amtrak to submit to the Secretary draft 5-year business line plans and draft 5-year capital asset plans. Authorizes DOT to establish Regional Rail Development Authorities, including a Regional Committee, to facilitate the development of multi-state high-performance rail services, and to coordinate these investments with other rail, transit, highway, and aviation system services. Prescribes requirements for the standardization of passenger equipment and level-entry boarding platforms. Directs DOT to: evaluate the shared-use of right-of-way by passenger and freight rail systems and the operational, institutional, and legal structures that would best support improvements to both of these systems; and conduct a nationwide disparity and availability study to establish the availability and utilization of small business concerns owned and controlled by socially and economically disadvantaged individuals in publicly funded railroad projects. Requires DOT to complete a National Rail Development Plan meeting certain criteria, and facilitate development of Regional Rail Development Plans. Authorizes DOT to prescribe regulations or issue orders to require host railroads for joint operations that occur within a small geographic area to develop unified rules governing all operations within that area. Revises or prescribes requirements relating to positive train control, hours of service, maximum employee duty hours, safety appliances, locomotive inspections, noise emission standards, and damaged track inspection equipment. Authorizes federal agency heads to construct, install, operate, and

maintain electric charging infrastructure for official agency vehicles. Stop Corporate Expatriation and Invest in America's Infrastructure Act of 2015 Amends the Internal Revenue Code to revise rules for the taxation of inverted corporations (i.e., U.S. corporations that acquire foreign companies to reincorporate in a foreign jurisdiction with income tax rates lower than the United States) to provide that a foreign corporation that acquires the properties of a U.S. corporation or partnership after May 8, 2014, shall be treated as an inverted corporation and thus subject to U.S. taxation if, after such acquisition: it holds more than 50% of the stock of the new entity (expanded affiliated group), or the management or control of the new entity occurs primarily within the United States and the new entity has significant domestic business activities.

Status Update: no change since the last report.

**H.R.3104, To amend the Internal Revenue Code of 1986 to reduce carbon pollution in the United States, invest in the Nation's infrastructure, and cut taxes for working Americans.**

Introduced on July 16 by Congressman John B. Larson (D-CT-1) with no cosponsors and referred to the Committee on Ways and Means and Foreign Affairs. Amends the Internal Revenue Code to impose an excise tax, beginning in calendar year 2016, on any taxable carbon substance sold by its manufacturer, producer, or importer. Defines "taxable carbon substance" as: (1) coal (including lignite and peat); (2) petroleum and any petroleum products; and (3) natural gas that is extracted, manufactured, or produced in the United States, or entered into the United States for consumption, use, or warehousing. Establishes in the Treasury the America's Energy Security Trust Fund to assist industries negatively affected by this Act, make transfers to the Highway Trust Fund to cover shortfalls, and provide payroll tax relief. Allows individual taxpayers a tax credit equal to carbon tax rebate amounts calculated by the Department of the Treasury. Directs Treasury to study and report to Congress on the best methods to assess and collect taxes on non-carbon greenhouse gases. Expresses the sense of Congress that the United States should establish binding agreements with major greenhouse gas emitting nations to reduce global greenhouse gas emissions

Status Update: no change since the last report.

**S.1589, Building and Renewing Infrastructure for Development and Growth in Employment Act or the BRIDGE Act**

Introduced on June 16 by Senator Mark Warner (D-VA) with ten (now 11) cosponsors and referred to the Committee on Finance. Establishes the Infrastructure Financing Authority (IFA) as a wholly-owned government corporation, headed by a Chief Executive Officer and managed by a Board of Directors, which shall provide direct loans and loan guarantees to facilitate the construction, consolidation, alteration, or repair of transportation, water, and energy infrastructure projects. Requires infrastructure projects assisted under this Act to have costs reasonably anticipated to equal or exceed \$50 million (\$10 million for rural infrastructure projects). Sets forth special requirements for infrastructure projects in rural areas. Establishes an Office of Technical and Rural Assistance to: provide technical assistance to state and local governments and parties in public-private partnerships in the development and financing of eligible, including rural, infrastructure projects; and establish a regional infrastructure accelerator demonstration program. Establishes an Office of Special Inspector General to conduct, supervise, and coordinate audits and investigations of the business activities of IFA. Prohibits IFA financing of a project if: it is private or does not create a public benefit, or the loan applicant is unable to demonstrate a sufficient revenue stream. Sets forth terms for loans or loan guarantees for eligible infrastructure projects and for the repayment of such loans. Requires an annual independent audit of IFA finances. Requires the President, immediately after IFA approves financing for a proposed project, to convene a meeting of representatives of all permitting agencies to: establish a permitting timetable for the environmental review of a project, and



coordinate with relevant state agencies and regional infrastructure development agencies in the review of such projects. Requires the Chief Executive Officer of IFA to: establish fees with respect to loans and loan guarantees that are sufficient to cover IFA's administrative costs; and take actions to make IFA a self-sustaining entity, with administrative and federal credit subsidy costs fully funded by fees and risk premiums on loans and loan guarantees. Amends the Internal Revenue Code to increase from \$15 billion to \$16 billion the aggregate amount of proceeds from tax-exempt facility bonds the Department of Transportation shall allocate among qualified highway or surface freight transfer facilities.

Status Update: no change since the last report.

### **S.1701, Infrastructure Rehabilitation Act of 2015**

Introduced on June 25 by Senator Lisa Murkowski (R-AK) with no cosponsors. The bill was referred to the Committee on Environment and Public Works.

Status Update: no change since the last report.

### **S.1748, Transportation Infrastructure Grants and Economic Reinvestment Act**

Introduced on July 9 by Senator Patty Murray (D-WA) with four cosponsors and referred to the Committee on Commerce, Science, and Transportation. The bill directs the Department of Transportation (DOT) to establish a program under which DOT shall provide competitive grants of between \$10 million and \$200 million to the District of Columbia, to a state, Indian tribe, U.S. territory, local government, port authority, metropolitan planning organization, transit agency, or another political subdivision of a state or local government, or to two or more of such entities working in collaboration, for eligible transportation projects (including highway or bridge, public transportation, passenger or freight rail transportation, and port infrastructure or intermodal projects) that would have a significant beneficial impact on a state, metropolitan area, or region or the United States. DOT, in providing such grants, must: (1) ensure an equitable geographical distribution of funds, an appropriate balance in addressing the needs of urban and rural areas, and investment in a variety of transportation modes; and (2) give priority to eligible projects that require a contribution of federal funds to complete an overall financing package. The bill sets forth primary and secondary criteria for selecting eligible projects. The bill: (1) limits to 25% the amount of grant funds that may be provided to any state, (2) requires at least 20% of grant funds to be provided for eligible projects located in rural areas, and (3) allows up to 20% of the funds authorized to carry out this Act to be used to pay the subsidy and administrative costs of projects eligible for federal credit assistance under the Transportation Infrastructure Finance and Innovation Act upon determining that such use of funds would advance the purposes of this Act.

Status Update: no change since the last report.

### **S.1680, National Multimodal Freight Policy and Investment Act**

Introduced on June 25 by Senator Maria Cantwell with three cosponsors (now 4). The bill was referred to the Committee on Commerce, Science, and Transportation. This bill directs the Department of Transportation (DOT) to establish a national multimodal freight network, a national multimodal freight advisory committee, and a freight investment grant program and develop a national multimodal freight strategic plan. Each state receiving a freight investment grant shall also develop a freight investment plan and establish a state freight advisory committee. The bill establishes in DOT an Office of Freight Planning, Permitting, and Development. DOT shall establish a competitive capital grant program to provide financial

assistance to states, metropolitan planning organizations, regional or local transportation authorities, tribal governments, and other entities for short line or regional railroad infrastructure improvement projects, and highway-rail vertical grade separation projects.

Status Update: no change since the last report.

### **H.R.3337, National Infrastructure Development Bank Act of 2015**

Introduced on July 29 by Congresswoman Rosa DeLauro (D-CT-3) with seventy cosponsors (now 85). The bill was to the Committee on Energy and Commerce, Transportation and Infrastructure, Financial Services, and Ways and Means. Establishes the National Infrastructure Development Bank as a wholly owned government corporation. Makes the Bank's Board of Directors responsible for monitoring and overseeing energy, environmental, telecommunications, and transportation infrastructure projects. Authorizes the Board to: (1) make senior and subordinated direct loans and loan guarantees to assist in the financing or refinancing of an infrastructure project, (2) issue public benefit bonds and provide financing to infrastructure projects, and (3) pay an interest subsidy to the issuer of American Infrastructure Bonds. Requires the Board to establish an Executive Committee to establish requirements and make recommendations for project proposals to be considered for financial assistance. Requires the Bank to establish a Risk Management Committee, which shall: (1) create financial, credit, and operational risk management guidelines for the Bank; (2) set guidelines to ensure diversification of lending activities by geographic region and infrastructure project type; (3) create conforming standards for all financial assistance provided by the Bank; (4) monitor financial, credit, and operational exposure of the Bank; (5) provide financial recommendations to the Board; and (6) ensure that the aggregate amount of interest subsidies provided for American Infrastructure Bonds in a given calendar year does not exceed 28% of interest payable under all such Bonds. Requires the Bank to establish an audit committee. Requires the Board to approve criteria established by the Executive Committee for determining project eligibility for financial assistance. Sets forth criteria to be considered by the Board for each type of infrastructure project. Requires the Executive Committee to conduct an analysis that considers the economic, environmental, and social benefits and costs of each project under consideration, prioritizing projects that contribute to economic growth, lead to job creation, and are of regional or national significance. Requires any financial assistance for an infrastructure project to be repayable from dedicated revenue sources that also secure the infrastructure project obligations. Limits the amount of assistance under this Act to 50% of reasonably anticipated project costs. Exempts all bonds issued by the Bank from state or local government taxation. Sets forth requirements regarding compliance of assisted projects with wage rate, domestic content, and buy American statutes. Requires the Board to establish an American Infrastructure Bond program. Establishes in the Treasury the National Infrastructure Development Bank Trust Fund into which an amount estimated to equal the tax receipts attributable to interest payable under such Bonds is to be appropriated.

Status Update: no change since the last report.

### **H.R.3376, To authorize States to carry out bridge construction, maintenance, repair, and replacement projects using previously allocated surface transportation funds that are identified as being excess or inactive, and for other purposes.**

Introduced on July 29 by Congresswoman Nita Lowey (D-NY-17) with no cosponsors. The bill was referred to the Transportation and Infrastructure Committee. The bill authorizes the Department of Transportation to permit states to carry out bridge projects using previously allocated funds that have been identified as being excess or inactive. The projects may include

operational improvements, capital and operating costs, environmental measures, and transportation control measures. The funds will remain available for three years after the year in which this bill is enacted.

Status Update: no change since the last report.

**H.R.3398. To improve the condition and performance of the national multimodal freight network, and for other purposes.**

Introduced on July 29 by Congressman David Reichert (R-WA-8) with two cosponsors. The bill was referred to the Committee on Transportation and Infrastructure. This bill directs the Department of Transportation (DOT) to establish a national multimodal freight network, a national multimodal freight advisory committee, and a freight investment grant program; and develop a national multimodal freight strategic plan. Each state receiving a freight investment grant shall also develop a freight investment plan and establish a state freight advisory committee. The bill establishes in DOT an Office of Freight Planning, Permitting, and Development. DOT shall establish a competitive capital grant program to provide financial assistance to states, metropolitan planning organizations, regional or local transportation authorities, tribal governments, and other entities for short line or regional railroad infrastructure improvement projects, and highway-rail vertical grade separation projects.

Status Update: no change since the last report.

**S.1994, Tax Relief And Fix-The-Trust Fund For Infrastructure Certainty Act of 2015**

Introduced on August 5 by Senator Thomas Carper (D-DE) with one cosponsor. The bill was referred to the Committee on Finance. This bill amends the Internal Revenue Code to phase in: (1) an increase of the excise tax rate on gasoline beginning in 2016 until such rate is 34.3 cents per gallon in calendar years beginning after 2018, and (2) a similar increase to 40.3 cents per gallon for diesel fuel and kerosene. The rates are to be adjusted for inflation for calendar years after 2019. The bill phases in increases in allocations of fuel excise tax amounts to the Mass Transit Account of the Highway Trust Fund for calendar years beginning in 2015. Such increased allocations are to be adjusted for inflation for calendar years beginning after 2019. The bill makes permanent the increase in the refundable portion of the child tax credit and the increase in the earned income tax credit for families with three or more qualifying children. The earned income tax credit is also modified to: (1) allow an increase in such credit for individuals with no qualifying children, (2) revise tax credit eligibility rules for married individuals living apart and qualifying children claimed by another family member, and (3) repeal the denial of such credit for taxpayers with excess investment income.

Status Update: no change since the last report.

**S.2008, Transportation, Access, and Opportunity Act of 2015**

Introduced on August 6 by Senator Jeff Merkley (D-OR) with no cosponsors. The bill was referred to the Committee on Banking, Housing, and Urban Affairs. This bill modifies transportation programs to establish a goal of achieving an interconnected transportation system that connects people to jobs, schools, and essential services; and to require more data and public input during the planning process. States and metropolitan planning organizations (MPOs) must permit the public to provide input during the development and implementation of transportation plans. (MPOs are federally required and funded organizations responsible for the regional transportation planning process in certain urban areas.) The bill revises the goals of the federal highway program to include achieving an interconnected transportation system which connects people to jobs, schools, and other essential services through a multimodal network. The Department of Transportation (DOT) may establish a performance measure for MPOs to

measure transportation connectivity. DOT must establish the Connection to Opportunity Pilot Program for up to 10 MPOs to develop and implement projects to improve multimodal connectivity and increase connections for transportation-disadvantaged individuals and neighborhoods with limited transportation options. The participating MPOs must submit performance data to DOT, and DOT must use the data to evaluate the programs and consider developing a national indicator to measure multimodal connections to opportunities. DOT must create and maintain data sets and analysis tools to assist MPOs, states, and entities within DOT in carrying out performance management analyses. The bill permanently extends the authorization for the Transportation Alternatives Program, revises federal share requirements, and permits nonprofit organizations and certain MPOs to receive funding under the program.

Status Update: no change since the last report.

#### **H.R.3465, Public-Private Partnership Infrastructure Investment Act**

Introduced on September 9 by Congressman Sean Patrick Maloney (D-NY-18) with no cosponsors. The bill was referred to the Committee on Transportation and Infrastructure. This bill requires the senior procurement executive of the Department of Transportation to enhance the services of the Office of Contracts and Procurement by: (1) working with modal agencies, states, and other grant recipients on implementing design-bid-build, design-build, and public-private partnerships (P3) procurement best practices, including model contracts; and (2) developing suggested best practices to encourage standardizing state P3 authorities and practices, including fair and balanced assumptions made in the calculations, consistency on unsolicited bids, non-compete clauses, and other major elements

Status Update: no change since the last report.

#### **H.R.3585, Surface Transportation Research and Development Act of 2015**

Introduced on September 22 by Congresswoman Barbara Comstock (R-VA-10) with six (now 7) cosponsors. The bill was referred to the Subcommittee on Highways and Transit.

Status Update: no change since the last report.

#### **S.2247, SAFE Bridges Act of 2015**

Introduced on November 5 by Senator Jeanne Shaheen (D-NH) with no cosponsors. The bill was referred to the Committee on Environment and Public Works. This bill directs the Department of Transportation to establish a program to assist states to rehabilitate or replace bridges found to be structurally deficient, functionally obsolete, or fracture critical. States shall use apportioned program funds for projects to rehabilitate and replace such bridges. The federal share of project costs is 100%

Status Update: no change since the last report.

#### **H.R.4081, TIFIA 2.0 Act**

Introduced on November 19 by Congressman Daniel Webster (R-FL-10) with no cosponsors and referred to the Subcommittee on Highways and Transit. The bill amends the Transportation Infrastructure Finance and Innovation Act (TIFIA) to revise the Department of Transportation (DOT) TIFIA program of direct loans, loan guarantees, and credit for surface transportation projects. A TIFIA Revolving Fund is established in the Treasury. A set-aside of up to 10% of Fund amounts is required for rural infrastructure projects (as similarly required in current funding law). The DOT is directed to transfer from the Fund to the general fund of the Treasury amounts equal to moneys deposited in the Fund as a result of the repayment of principal and interest on direct loans for transportation infrastructure projects before enactment of this Act.

Project eligibility requirements are revised.

Status Update: no change since the last report.

**H.R.4228, Transportation Megaprojects Accountability and Oversight Act of 2015**

Introduced on December 10 by Congressman Mark DeSaulnier (D-CA-11) with one cosponsor and referred to the Committee on Transportation and Infrastructure. The bill requires a recipient of federal financial assistance under National Highway System provisions for a megaproject (a project that has an estimated total cost of \$2.5 billion or more and such other projects as may be identified by the Department of Transportation [DOT]), in order to be authorized for construction, to submit to DOT a comprehensive risk management plan that contains: a description of the process by which the recipient will identify, quantify, and monitor the risks that might result in cost overruns, project delays, reduced construction quality, or reductions in benefits; examples of mechanisms the recipient will use to track such risks; a plan to control such risks; and assurances that the recipient will regularly submit updated cost estimates and maintain and regularly reassess financial reserves for addressing risks. A recipient also must establish a peer review group to give expert advice on the scientific, technical, and project management aspects of the project. Each peer review group must: meet annually until the project is completed; review the project within 90 days after any significant change in its scope, schedule, or budget; and report on the findings of each review to DOT, Congress, and the recipient. Each recipient must publish such report on its website, along with the name, license number, and license type of each engineer supervising an aspect of the project.

Status Update: no change since the last report.

**H.R. 6022, New Water Available to Every Reclamation State Act**

Introduced on September 14 by Congressman Jeff Denham (R-CA-10) with no cosponsors and referred to the Committee on Natural Resources. Loan program but official summary not available.

Status Update: no change since the last report.