



CWCC

Clean Water Construction Coalition  
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ROBERT A. BRIANT, JR.  
Chairman

# December 8, 2014

- AGC of America
- AGC of Texas
- Alabama Utility Contractors Association
- Associated Pennsylvania Constructors
- Associated Utility Contractors Of Maryland \*
- Connecticut Construction Industries Association
- CIC of Westchester County & Hudson Valley \*
- Engineering Contractors Association
- General Contractors Association Of New York
- Indiana Construction Association
- Long Island Contractors Association
- Maryland Transportation Builders & Materials Association
- Michigan Infrastructure & Transportation Association
- Minnesota Utility Contractors Association\*
- National Rural Water Association
- Ohio Contractors Association
- Public Works Contractors Association of Maryland
- Southern California Contractors Association
- Tennessee Road Builders Association
- Underground Contractors Association of Illinois \*
- United Contractors \*
- UCA of Anne Arundel County
- Utility Contractors Association of New England \*
- Utility & Transportation Contractors Association of New Jersey \*
- Contractors Association Of West Virginia
- Wisconsin Underground Contractors Association

\* Steering Committee Member

## ELECTION RESULTS TO HAVE AN IMPACT ON CONGRESSIONAL COMMITTEES

As a result of last month's midterm election there will be a significant shuffling of committee and subcommittee assignments, especially in a Republican-controlled Senate. Committee assignments are done in January shortly after the new congress is sworn in. There were a number of upsets including Congressman Nick Rahall (D-WV) who was the Ranking Member of the House Transportation & Infrastructure Committee and had served in Congress for 38 years. Beltway insiders believe that this position will be filled by Congressman Peter Defazio (D-OR) however, Defazio has been challenged by Congressman John Garamendi (D-CA). Garamendi served as the ranking member on the Coast Guard Subcommittee of the House Transportation and Infrastructure Committee.

Further election analysis and Congressional Committee assignments will be discussed during the Coalition's Conference Call scheduled for December 18, 2014.

## FEDERAL FISCAL YEAR 2015 APPROPRIATIONS PROCESS

The Federal Government continues to be funded through a Continuing Resolution (CR) until December 11, 2014 at Federal Fiscal Year 2014 levels. Congressional efforts continue to move a few budget appropriation bills but it appears that another CR bill will be approved that will fund the federal government into early 2015. Meanwhile, the House Republicans have a proposal that would fund nearly the entire government through September 2015, but immigration enforcement related funding would be renewed on a short-term basis. The strategy is designed to keep the government open while satisfying the base, which is opposed to the President's executive order that ends deportations for millions of undocumented immigrants.

The beneficial news for the Coalition is that while the federal government continues to operate under the Continuing Resolution (CR) funding levels, the Clean Water SRF is funded at \$1.448 billion and the Safe Drinking Water SRF will operate with \$906 million for its program. These funding levels are higher than the House Appropriations Committee's FY15 Interior Appropriations Bill (H.R. 5171) that provides \$1.018 billion (the Obama Administration's FY 2015 budget number) for making capitalization grants for the Clean Water State Revolving Funds ( \$430 million below federal FY 2014 level) and \$757 million (also the Obama Administration's FY 2015 budget number) for making capitalization grants for the Drinking Water State Revolving Funds (\$150 million below federal FY 2014 level).

Coalition representatives will continue to focus our efforts in the Senate where we continue to be successful in obtaining higher funding levels for the Clean Water and Safe Drinking Water SRF's.

## **FEDERAL FISCAL YEAR 2015 ENERGY & WATER APPROPRIATIONS BILL**

As we had reported to you a few months ago, the Senate Appropriations Committee reported its version of the Federal Fiscal Year 2015 Energy and Water Appropriations bill that would provide \$5.134 billion in funding for the Corps of Engineers' Civil Works program. Construction would be funded at \$1.421 billion and includes the six new starts to be identified by the Obama Administration. Within the amounts recommended, \$60 million above the budget request of \$169 million is provided for inland waterways projects. Mississippi River and Tributaries would receive \$305 million, and operation and maintenance would be funded at \$2.8 billion, including over \$1.06 billion from the Harbor Maintenance Trust Fund.

The House has passed its Federal Fiscal Year 2015 Energy and Water bill at \$5.5 billion. The bill includes \$1.7 billion in the construction account (\$279 million more than the Senate bill), \$115 million in investigations, \$2.9 billion in operations and maintenance, and \$260 million for MR&T program. As a result of a regulatory fight with the Obama Administration, the House bill would prohibit spending any funds on the pending Waters of the United States rulemaking, and the report expresses the Committee's continued concern over the effort to update the Principles and Guidelines. In that the House bill's markup was based on the President's budget, funding for new projects and programs included in WRRDA, which was enacted after the budget request was unveiled, is not specified. Those details will come at a later date.

In a related matter, development of the new WIFIA program is ongoing with the Environmental Protection Agency holding its last listening sessions in San Francisco this month to discuss the implementation of the Water Infrastructure Finance and Innovation Act (WIFIA), and the Act's five-year pilot program to rely on P3s for a variety of water and wastewater infrastructure projects. The pilot program aims to support large-scale water infrastructure projects costing at least \$20 million. Smaller projects serving fewer than 25,000 people will be eligible if the cost of the project surpasses \$5 million. The EPA will provide loan guarantees and direct loans at long-term Treasury rates for these projects.

## **CLEAN WATER CONSTRUCTION COALITION TO HOLD CONFERENCE CALL**

The Clean Water Construction Coalition will hold a conference call to plan Coalition activities for 2015. The conference call details are as follows:

<b>Date:</b>	December 18, 2014
<b>Time:</b>	1:00pm <i>Eastern</i> Standard Time
<b>Dial-In:</b>	(712) 432-1500
<b>Participant Code:</b>	1084460#

An agenda will be emailed to participants prior to the conference call. Coalition members who wish to submit conference call agenda items may do so by emailing Helene Nasdeo at [Helene@utcanj.org](mailto:Helene@utcanj.org).

## **FEDERAL ADVOCATES DECEMBER REPORT**

Attached with this advisory is Federal Advocates December Report.



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# ***DECEMBER 2014 INSIGHTS***

## **FY15 Appropriations Status**

The Federal Government is currently being funded via a Continuing Resolution (CR) until Dec. 11 at FY14 levels. While there is the possibility that a few of the FY14 bills will be finalized prior to that date, it appears more likely that the CR will be extended until sometime early next year. Along those lines, on November 21, Senator Mikulski, Chairwoman of the Senate Appropriations Committee, issued the following statement:

“Chairman Rogers and I want to do our job. We have important national security concerns, we have legislation that meets compelling human needs and deals with everything from jobs to public health and safety including Ebola response and preparedness funding. We’re negotiating across the aisle and across the dome. We’re meeting our constitutionally mandated responsibility by keeping the government open and working on behalf of the American people. We continue to make steady progress.”

The House Republicans have a proposal that would fund nearly the entire government through September 2015, but immigration enforcement related funding would be renewed on a short-term basis. The strategy is designed to keep the government open while satisfying the base, which is opposed to the President’s executive order that ends deportations for millions of undocumented immigrants.

## **FY15 Interior Appropriations Bill**

To review, on August 1, the Senate Appropriations Committee released a draft of its FY15 Interior Appropriations bill. Included are \$1,448,800,000 for the Clean Water SRF and \$906,000,000 for the Safe Drinking Water SRF, the FY14 or current levels for both. The Senate has been our saving grace on funding. Absent action at some point by the Senate to increase SRF funding over the FY14 levels, a CR funding both SRF’s at the FY14 level would not be bad. No markup schedule on the Senate bill to date.

As previously reported, on July 23, the House Appropriations Committee reported its version of the FY15 Interior Appropriations Bill (H.R. 5171). The bill provides \$1,018,000,000 (the President’s budget number) for making capitalization grants for the Clean Water State Revolving Funds (@ \$430M below the FY14 level) and \$757,000,000 (also the President’s budget number) for making capitalization grants for the Drinking Water State Revolving Funds (@\$150M below

the FY14 level), with the proviso that not less than 20 percent of the funds made available for CWSRF grants shall be used for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities, and also with the proviso that funds made available for DWSRF grants may, at the discretion of each State, be used for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities. In justifying/defending funding levels below FY14, the Budget states that it “proposes a reduction to focus on communities most in need of assistance and continuing to allow financing of approximately \$6 billion annually in wastewater and drinking water infrastructure projects. Nearly \$60 billion has been provided for the programs to date, including over \$21 billion since 2009. Going forward, EPA will continue efforts to target assistance to small and underserved communities that have a limited ability to repay loans, including Tribes.”

### **FY15 Energy and Water Appropriations Bill**

To review, on July 14, the Senate Appropriations Committee reported its version of the FY15 Energy and Water Appropriations bill that would provide \$5.134 billion in funding for the Corps of Engineers’ Civil Works program. Investigations would receive \$125 million, along with a recommendation for the 10 new study starts that were in the Administration’s budget request plus 10 additional studies that are to be chosen by the Administration. Construction would be funded at \$1.421 billion and includes the one new start in the President’s request and provides for five additional new starts to be chosen by the Administration. Within the amounts recommended, \$60 million above the budget request of \$169 million is provided for inland waterways projects. Mississippi River and Tributaries would receive \$305 million, and operation and maintenance would be funded at \$2.8 billion, including over \$1.06 billion from the Harbor Maintenance Trust Fund..

On the House side, its FY15 Energy and Water bill as passed provides funding at \$5.5 billion. The bill includes \$1.7 billion in the construction account, \$115 million in investigations, \$2.9 billion in operations and maintenance, and \$260 million for MR&T program. The funding for the Assistant Secretary of the Army’s office would be slashed significantly from \$5 million to \$2 million. The accompanying report takes the Administration to task for numerous things, and explains this cut as expressing its “dissatisfaction with the Administration’s disregard of congressional direction.”

The bill would prohibit spending any funds on the pending Waters of the United States rulemaking, and the report expresses the Committee’s continued concern over the effort to update the Principles and Guidelines. Because the markup was based on the President’s budget, funding for new projects and programs included in WRRDA, which was enacted after the budget request was unveiled, is not specified. How funds may be used for that purpose – as many of these items would be considered new starts - is not clear at this point. In this regard, the report states:

“Enactment of the Water Resources Reform and Development Act of 2014 (WRRDA) provides the Corps with many new and amended authorities and directives for civil works projects, programs, and activities, including the Water Infrastructure Finance and Innovation Act of 2014 (WIFIA). The Committee believes these new authorities will require specific appropriations prior to implementation, but has not had sufficient time to evaluate each provision for funding for fiscal year 2015. In the meantime, the Corps is directed to provide the Committee with notification prior to obligating funds for any provision not requiring specific appropriations, as well as monthly updates on the status of implementing guidance in draft and final form.”

## **FY15 Transportation Appropriations Bill**

To review, on June 10, the House passed its version of the FY15 Transportation-HUD spending bill that would keep highway and aviation spending level, but apply cuts for rail, transit and transportation and community development grant programs. All told, the bill would provide \$52 billion in discretionary spending for infrastructure and housing programs, a \$1.2 billion increase from fiscal 2014 but \$7.8 billion below the President's budget request. Appropriators provided a \$5 million increase for the National Highway Traffic Safety Administration, to \$824 million in FY15, and a \$19.4 million increase for the Pipeline and Hazardous Materials Safety Administration, which would get \$205.2 million under the legislation. But the bill is also likely setting up a fight with the Senate on the Transportation Department's TIGER grants, which would get only \$100 million, a \$500 million cut from FY14 and \$1.15 billion less than Obama requested. Formula highway spending would stay level at \$40.25 billion, contingent on passage of a new authorization bill before the 2012 highway bill expires Sept. 30. The Federal Aviation Administration would see a slight \$7.3 million cut to \$15.7 billion, but \$446 million more than it requested, providing full funding for the NextGen upgrade of air traffic control systems at \$852.4 million and the contract towers program at \$140 million. For passenger rail, Amtrak would see cuts, while the Federal Railroad Administration's safety programs would see a small increase to \$220.5 million, up \$750,000 from FY14. While overall railroad spending would decrease \$193 million next year to \$1.4 billion, Amtrak would get \$340 million as an operating grant, and another \$850 million for capital needs. But appropriators rejected the railroad's proposal to break out its profitable Northeast Corridor, likely a fight that will be left to authorizers later this year. Transit systems would also see a \$253 million cut in federal support to \$10.5 billion in FY15, but would maintain \$1.7 billion in "new starts" grants for big capital investments.

On June 5, the Senate Committee on Appropriations reported its version of the FY15 Transportation Appropriations bill. Subsequent to that, the bill was combined with the FY15 Agriculture and Commerce Appropriations bills for Floor action. The bill was pulled because of objection from the Minority that such an "omnibus bill" would hinder chances to offer amendments. The bill provides a total of \$18.1 billion in discretionary budget authority for DOT for fiscal year 2015. The bill includes another \$53.6 billion in limitations on obligations for DOT, for a total of \$71.7 billion in budgetary resources for fiscal year 2015. This total level of budgetary resources is \$536 million more than the fiscal year 2014 enacted level, which included \$17.7 billion in discretionary budget authority and \$53.5 billion in obligation limitations.

The bill is also \$17.8 billion less than the funding levels included in the President's budget request, which included \$13.7 billion in discretionary budget authority and \$75.8 billion in obligation limitations. The President's budget relied more heavily on obligation limitations because it assumed that many programs would receive funding through new legislation to authorize highway, highway safety, public transit, and rail programs instead of through the appropriations process. Those programs had received \$2.4 billion in the fiscal year 2014 omnibus appropriations law. Highlights of the bill include:

***"TIGER" Grants:*** \$550 million for grants to state and local governments to support a wide variety of transportation options, including roads and bridges, railroads, transit systems, and port infrastructure. The recommendation is \$50 million below the fiscal year 2014 enacted level. The President's budget request had included \$1.25 billion for this program, but it also assumed that the funding would be provided through new legislation authorizing surface transportation programs instead of the appropriations process.

***Federal-aid Highways Program:*** \$40.3 billion for the Federal-aid Highways program, which is equal to level enacted for fiscal year 2014. The bill is consistent with the Moving Ahead for

Progress in the 21st Century Act (MAP-21), the most recent authorization law for federal surface transportation programs, and assumes that MAP-21 will be extended through fiscal year 2015. The President's budget request had included \$47.3 billion for the highway program, but it also assumed that the funding would be provided through new legislation authorizing surface transportation programs instead of the appropriations process.

***Rail Investments:*** \$1.39 billion for Amtrak, which is consistent with the level of funding provided in fiscal year 2014. This level of funding will allow Amtrak to make investments in the state-of-good repair infrastructure projects and to operate a safe and reliable passenger rail network for the nation. The recommendation is \$1 billion less than the budget request, which assumed the funding would be provided through new legislation authorizing surface transportation programs instead of the appropriations process.

***Transit Investments:*** \$11.1 billion for transit programs, \$310 million above the fiscal year 2014 enacted level and \$6.6 billion below the request. The President's budget assumed passage of a surface transportation bill that would fund most transit programs rather than the appropriations process. The bill includes \$8.6 billion for formula grants, \$36.5 million for research and technical assistance, and \$150 million to continue modernizing the Washington Metropolitan Area Transit Authority. In addition, it provides \$2.163 billion for the transit capital investment grants, an increase of \$221 million to help communities build new rail and bus rapid transit capacity in California, Maryland, North Carolina, Colorado, Florida, Texas and other states. These investments help communities find solutions to road congestion, support economic development, manage population growth, and reduce air pollution

***Automobile Safety:*** \$834 million for the National Highway Traffic Safety Administration (NHTSA), which is \$15 million more than the fiscal year 2014 level and \$17 million less than the budget request. The increase in funding will allow NHTSA to make important investments in its safety defects analysis and investigation programs, and to improve the agency's ability to aggressively screen defect trends.

### **MAP-21 Reauthorization**

No legislative activity on reauthorization occurred this month. That includes no relevant hearings. The reasons for such are twofold: the preoccupation with the election, and the fact that there will be no legislative action on the issue until the new Congress. The major reauthorization development of the month was the election results that will cause a change in the leaderships of the key Senate MAP-21 committees - Senator Inhofe (R-OK) becoming chair of the Environment and Public Works Committee and Senator Boxer (D-CA), the Ranking Democrat; Senator Thune (R-SD) becoming chair of the Senate Commerce Committee and Senator Nelson (D-FL), the Ranking Democrat; and Senator Shelby (R-AL) becoming chair of the Senate Banking Committee and Senator Brown (D-OH), the Ranking Democrat – all not official but highly likely. On the House side, the only MAP-21 reauthorization election impact was the change in Ranking Democrat on the Transportation and Infrastructure Committee. Congressman Rahall (D-WA-3) was defeated and Congressman DeFazio (D-OR-4) will assume the ranking position. Key subcommittees assignments in both Houses and on all committees will follow but most likely not until early next year. What does the change in majority in the Senate mean for the reauthorization? As an example, this past week we met with Senate Finance Committee staff members for the Majority and Minority to discuss the current funding status for a reauthorization bill. With Republicans taking over the leadership they have a very different position regarding funding for programs such as transportation. The new leadership will be pushing more for a way to fund a bill that would have both tax cuts tied to any increase in spending. Also, we should not expect to see the finance part of the bill until we have an authorization bill done. Although they

would like to do a long term bill, it may not come until after there is a much bigger tax bill they can attach it to. Currently, it seems very likely that we will to see some sort of bill prior to the March 31st deadline.

To review, on August 8, President Obama signed into law (Public Law 113-159) the "Highway and Transportation Funding Act of 2014." The law would transfer approximately \$10.8B from the General Fund into the Highway Trust Fund (HTF) - \$8.8B into the Highway Account and \$2.0B into the Mass Transit Account - to keep the HTF solvent and provide funding for highway and transit programs at current levels through May 31, 2015.

The cost to the General Fund would be offset by various "pay-fors", all of which are unrelated to transportation and most of which extend over 10 years. They include "pension smoothing", an extension of custom duties, and a transfer of \$1B from the Leaking Underground Storage Tank Trust Fund (LUST). The bill also includes an extension of the MAP-21 authorization through May 31, 2015 at current funding levels, pro-rated.

### **National Freight Network**

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

### **WRRDA/WIFIA**

The Environmental Protection Agency held its last listening sessions in San Francisco this month to discuss the Water Infrastructure Finance and Innovation Act (WIFIA), the law establishing a five-year pilot program to rely on P3s for a variety of water and wastewater infrastructure projects. The pilot program aims to support large-scale water infrastructure projects costing at least \$20 million. Smaller projects serving fewer than 25,000 people will be eligible if the cost of the project surpasses \$5 million. The EPA will provide loan guarantees and direct loans at long-term Treasury rates.

EPA gave an overview of WIFIA, provided a summary of financial assistance options and terms under the law, and detailed the status of agency efforts to get the program up and running. The listening session was targeted at private finance sector representatives, municipal and state governments, and regional utility decision makers.

The Agency may hold one additional event in Washington, D.C., in the near future.

To review, on June 10, the President signed into law (Public Law 113-121), the “Water Resources Reform and Development Act of 2014.” Of particular interest in terms of providing future funding opportunities is the newly created WIFIA (“Water Infrastructure Financing Innovation Act”) program.

WIFIA provides loans and loan guarantees to fund various infrastructure projects. It is modeled after the TIFIA loan program for surface transportation projects within the U.S. Department of Transportation. In order to be eligible for assistance, an eligible entity must submit to the Secretary or the Administrator an application containing information the Corps or the EPA require. It defines eligible entities as corporations, partnerships, joint ventures, trusts, a federal, state, or local government or agency, a tribal government or tribal consortium, or a state infrastructure financing authority. It also defines projects eligible for assistance, including but not limited to, projects for navigation, flood damage reduction, restoration of aquatic ecosystems, water recycling projects improvements to inland and intracoastal waterway navigation systems, wastewater treatment works, desalination plants, and the acquisition of property for the construction of projects. It further defines eligible project activities such as planning, feasibility analysis, revenue forecasting, permitting, engineering, design, construction, rehabilitation, replacement, and the acquisition of property; the criteria to be eligible to receive financial assistance and the factors considered for project selection; and, the types of financing mechanisms and requirements that may be provided to carry out projects and activities authorized.

It clarifies that recipients of funds must comply with all applicable federal, state, local, and Tribal laws, and it authorizes the Secretary and the Administrator to promulgate regulations to carry out the program. It establishes discretionary appropriations as follows: fiscal year 2015, \$20 million; fiscal year 2016, \$25 million; fiscal year 2017, \$35; fiscal year 2018, \$45 million; and, fiscal year 2019, \$50 million. However, based on the revolving loan aspect of the program, WIFIA, like TIFIA, can “loan out” \$10 for every \$1 dollar that is appropriated to the program – thus, assuming an appropriation of the full \$20M in the first year, the program can loan \$200M.

It also requires the Secretary and the Administrator to make transparent on the Internet each application received for assistance and a list of projects selected for assistance, and not later than 4 years after enactment, requires the Government Accountability Office to submit a report to Congress reviewing the program and any subsequent recommendations to improve the program. Lastly, it clarifies that funds made available may not be used for a project unless all of the iron and steel products used in the project are produced in the United States.

### **Water in the 21<sup>st</sup> Century Act**

On July 31, Senator Boxer, along with Senator Feinstein, and Representatives Napolitano and DeFazio (D-OR) introduced S. 2771 and H.R. 5363 (23 cosponsors) the “Water in the 21st Century” (W21) legislation. W21 proposes new EPA grant programs and new Reclamation loan programs for various water projects including wastewater, water recycling, reclamation, desalination, etc. As previously reported, throughout formulation of the bill the Coalition worked closely with Boxer’s staff to provide its recommendations for new legislation that can provide funding for various water projects. The introduced legislation incorporates all of our requests, including: 100% project financing; allowing interest rates lower than the treasury rates; lowering the \$20 M minimum financing level to \$10 M and allowing project bundling; ensuring “recycled water” and “wastewater” reclamation project eligibility for grants and loans, and ensuring recycled water financing eligibility even if not previously authorized. As the Coalition has continued to work closely with Boxer’s staff, they have requested and we have provided CWCC support to the introduced legislation. The Coalition plans to continue to be engaged to

communicate our funding needs and to do what we can to move this beneficial funding legislation forward.

Status Update: No change since the last report.

### **Other Legislation of Interest**

REED (R-NY-23) H.R.4739 – the “Impaired Waters Improvement Act.” Introduced on May 23, the bill has 3 (now 4) cosponsors and was referred to the Committee on Transportation and Infrastructure. The bill would authorize the EPA to make grants to publicly owned treatment works serving a covered total maximum daily load jurisdiction (TMDL - a total daily load for nitrogen, phosphorous, or sediment established under the Federal Water Pollution Control Act); to publicly owned storm water management practices serving a covered TMDL jurisdiction; or to a privately owned farm implementing methods to reduce discharges of nitrogen, phosphorus, or sediment in a covered TMDL jurisdiction. Grants would be used generally to reduce discharges of nitrogen, phosphorus and sediment using proven technology or innovative practices. Each grant shall not exceed \$2M. The bill would also establish an Impaired Waters Improvement Fund, financed from civil penalties for violations of the Federal Water Pollution Control Act, to finance the EPA grants.

Status Update: No change since the last report.

BLUMENAUER (D-OR-3) H.R.3582 - a bill to create a Water Protection and Reinvestment Trust Fund introduced on November 21 with 7 cosponsors on a bipartisan basis. The revenue base for the program would be a voluntary fee of 3 cents per bottle that would allow a drink producer to label the bottle with a seal that indicates support for clean water. It is uncertain how much revenue would be generated from the voluntary fee. Most of the funding created by the Water Protection and Reinvestment Act would be distributed as grants and loans through the existing Clean Water SRF. In addition, twenty percent of the funds in the Trust Fund would be used to finance a WIFIA program to provide low-cost capital to clean water infrastructure project.

STATUS UPDATE: No change since the last report.

MERKLEY (D-OR) S.335 – the Water Infrastructure Finance and Innovation Act of 2013. The bill, introduced on February 14, has one cosponsor. It was referred to the Senate Environment and Public Works Committee (EPW). It authorizes the Administrator of the FEMA to make a direct loan, including a subordinated loan or a loan guarantee to an eligible entity to carry out various water projects. Merkley is a member of EPW and the WIFIA issue was addressed/included in the Committee’s WRDA bill.

STATUS UPDATE: No change since the last report.

CAPPS (D-CA-24) H.R.765 - the “Water Infrastructure Resiliency and Sustainability Act of 2013.” The bill, introduced on February 15, has no cosponsors (now 25) and was referred on March 1 to the Subcommittee on Water and Power of the House Natural Resources Committee. It requires the Administrator of the EPA to establish the Water Resiliency and Sustainability Programs to provide grants to owners or operators of water systems for programs or projects to

increase the resiliency or adaptability of the systems to any ongoing or forecasted changes to the hydrologic conditions of a U.S. region. On September 17, Senator Cardin, Chair of the Subcommittee on Water and Wildlife, introduced S.1508, the companion bill (with Reid and Boxer as cosponsors). The bill was referred to the Environment and Public Works Committee that Boxer chairs.

STATUS UPDATE: No change since the last report.

REID (D-NV) S.4 –the “Rebuild America Act.” Introduced by the Majority Leader on January 22 with 14 cosponsors. The bill expresses the sense of the Senate that Congress should create jobs and support businesses while improving the nation's global competitiveness by modernizing and strengthening our national infrastructure; invest resources in transportation corridors that promote commerce and reduce congestion; update and enhance the U.S. network of rail, dams, and ports; develop innovative financing mechanisms for infrastructure to leverage federal funds with private sector partners; invest in critical infrastructure to reduce energy waste and bolster investment in clean energy jobs and industries; invest in clean energy technologies that help free the United States from its dependence on oil; eliminate wasteful tax subsidies that promote pollution and fail to reduce our reliance on foreign oil; spur innovation by facilitating the development of new cutting-edge broadband internet technology and improving internet access for all Americans; modernize, renovate, and repair elementary and secondary school buildings in order to support improved educational outcomes; invest in the nation's crumbling water infrastructure to protect public health and reduce pollution; upgrade and repair the nation's system of flood protection infrastructure to protect public safety; and invest in U.S. infrastructure to address vulnerabilities to natural disasters and the impacts of extreme weather.

STATUS UPDATE: No change since the last report.

BISHOP (D-NY-1) H.R.1877 - the “Water Quality Protection and Job Creation Act.” On May 8, with 27 cosponsors (now 40) on a bipartisan basis, Rep. Timothy Bishop (D-NY) introduced a bill that would amend the Clean Water Act to establish a Federal trust fund to finance improvements to publicly owned treatment works. H.R. 1877 would also authorize \$13.8 billion over five years for the Clean Water Act State Revolving Loan Fund (SRF) program. The SRF monies would be available to states and municipalities to build publicly-owned treatment works, repair or replace decentralized wastewater treatment systems, reduce water demand through conservation efforts, manage non- point source pollution, and adopt energy conservation measures. Another \$600 million would be authorized over five years to assist municipalities in managing storm water through green infrastructure and other approaches to controlling runoff from urban areas. The bill would require a state or municipal government to award all contracts for architectural, engineering, surveying, and other design services for projects funded by the legislation with the Federal qualifications-based selection (QBS) process under the Brooks-Architect Engineers Act of 1972.

STATUS UPDATE: No change since the last report.

DELANEY (D-MD-6) H.R.2084 – the “Partnership to Build America Act of 2013.” On May 22, Rep. John Delaney (MD-6) introduced H.R.2084 with 43 (now 75) cosponsors on a bipartisan basis. It was referred to the Committees on Transportation and Infrastructure and Ways and Means. The bill would establish the American Infrastructure Fund (AIF) as a wholly owned government corporation to provide bond guarantees and make loans to state and local

governments and non-profit infrastructure providers for transportation, energy, water, communications, or educational facility infrastructure projects (Qualified Infrastructure Projects [QIPs]). It would also require the AIF to make equity investments in QIPs such entities sponsor; direct the Secretary of the Treasury, acting through the AIF, to issue American Infrastructure Bonds with an aggregate face value of \$50 billion; and, require proceeds from the sale of the bonds to be deposited into the AIF. It also would amend 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. Lastly, the bill would prohibit allowance of a foreign tax credit to the excluded portion of any dividend received by a U.S. Corporation and the allowance of a deduction for expenses related to that excludable portion.

STATUS UPDATE: No change since the last report.

SIRES (D-NJ-8) H.R.2424 – the “Community Parks Revitalization Act.” On June 18, Congressman Albio Sires (NJ-8), with 24 (now 38) cosponsors, introduced the bill and it was referred to three committees. It would require the Secretary of Housing and Urban Development (HUD) to carry out a community revitalization program of federal grants to eligible local governments located within standard metropolitan statistical areas for various park and recreation purposes, including grants for rehabilitation and construction, innovation and recreation programming, and recovery action programs. It would also authorize the Secretary to designate local governments not located in standard metropolitan statistical areas to receive such grants under a partial eligibility waiver; prescribe requirements, including matching requirements, for rehabilitation and construction and for innovation and recreation grants; limit to 10% the use of funds appropriated for rehabilitation and construction grants for acquisition of land or interests in land; allow a recipient, at its discretion, to transfer a grant in whole or in part to private nonprofit agencies for recreational areas and facilities they own or operate which offer recreational opportunities to the general population; require an applicant, for project approval, to submit to the Secretary evidence of its commitment to ongoing planning, rehabilitation, service, operation, and maintenance programs for its park and recreation systems, expressed in a five-year local park and recreation recovery action program; prescribe requirements for the five-year park and recreation recovery action program under an at-risk youth recreation grant; authorize the Secretary to increase federal rehabilitation and construction, innovation, and at-risk youth recreation grants to a state under this Act by an additional match of up to 15% (but not more than 15%) of total project or program cost; limit the aggregate amount of the grant and the additional grant amounts to 85% percent of total project or program cost; and, prohibit the conversion, without HUD approval, of any property improved or developed with assistance under this Act for uses other than for public recreation.

STATUS UPDATE: No change since the last report.