



CWCC

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

September 11, 2018

- AGC of America
- AGC of Texas
- Alabama Utility Contractors Association
- Arizona 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
- Georgia Utility Contractors Association
- Indiana Constructors Inc.
- Long Island Contractors Association
- Maryland Transportation Builders & Materials Association
- Michigan Infrastructure & Transportation Association
- Minnesota Utility Contractors Association*
- National Rural Water Association
- New Mexico Utility Contractors Association
- Ohio Contractors Association
- Public Works Contractors Association of Maryland
- 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

FEDERAL FISCAL YEAR 2019 INTERIOR APPROPRIATIONS

With Congress in recess for most of August, the focus for the Coalition has been on the Federal Fiscal Year 2019 Interior Appropriations bills. As previously reported, the House Bill (CWSRF - \$1.34B; \$900M for the SDWSRF) has lower levels than the Senate Bill despite the Federal FY19 raised budget caps. The Senate Bill appropriations has the same amounts as contained in the Federal FY18 measure, which are \$1.694B for the CWSRF and \$1.16B for DWSRF. WIFIA levels are at \$75M in the House version and \$63M in the Senate Bill. Key Advocates met again with staff from each Committee, pushing the House Democrats to support the Senate levels and urging them to hold the line when/if it comes to conference negotiations.

The primary goal for the Coalition is to have the Senate funding levels be the “new normal” and move after summer recess ends but before the mid-October recess leading up the November elections. Key Advocates is actively advocating for the Coalition to this end.

DIALOGUE AMONG CONGRESS AND THE TRUMP ADMINISTRATION CONCERNING INFRASTRUCTURE CONTINUED DURING THE SUMMER MONTHS

The proposal introduced by Congressman Bill Shuster (R-PA), Chairman of the House Transportation and Infrastructure Committee, to “reignite discussions amongst my colleagues” has helped to keep discussions going among the Trump Administration and Congress concerning federal investments in our Nation’s infrastructure. The Shuster measure was discussed in the Coalition’s August report in detail where it was characterized as basically a highway bill with little--but not much--on the water side, including WIFIA reauthorization, watershed pilot projects, and small community technical assistance. Stated interest throughout the Congress and the Trump Administration remains and dialogue continues amongst the principals, but the timing has become a major challenge due to the Budget negotiations and November elections.

As described in the attached report, the general sentiment is that the Senate is not inclined to move infrastructure legislation unless and until they see something serious in the House. Congress returns from recess in September, and then is back out mid-October returning after the November elections. This leaves little time after elections – and bill action at that time often depends on what the new Congress looks like (there may be reluctance to have Members vote on key legislation if the Member is voted out in November or is retiring).

A more detailed summary of this matter is included in the attached report from Key Advocates.

SENATE COMMITTEE RELEASES WRDA REAUTHORIZATION BILL

As previously reported, the Senate Environment and Public Works Committee has reported its WRDA Reauthorization bill but to date there has been no Senate floor action. The likelihood of a WRDA reauthorization bill by the end of the year is questionable. As it currently stands, the proposed House reauthorization bill remains limited to Army Corps of Engineers projects while the Senate version of the WRDA bill includes water infrastructure provisions that are included in the SRF WIN Act. The House T&I Republican leadership position is that any other programs would be addressed in a separate infrastructure bill.

The Coalition supports the Senate version of the WRDA Reauthorization bill and Key Advocates is actively pushing Senate and House leadership to compromise on these two very different bills.

There has been no progress on the SRF Win Bill since the last report.

KEY ADVOCATES REPORT

Included with this notice is Key Advocates recent report which is current to the end of August.



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September 2018 Insights

Infrastructure Initiatives

While Congress is in recess for August (the Senate is back in session but the House is still in recess until after Labor Day), there has been some increased activity in the past few weeks following Congressman Shuster's draft infrastructure plan. Secretary Elaine Chao continues as the lead for the Administration and had additional meetings last week. Her staff have been working with the Senate Environment and Public Works (EPW) and Transportation and Infrastructure (T&I) committee staffs. Also, OMB reached out to the Senate Committee on Finance and the House Ways & Means Committee. OMB Director Mulvaney met with bipartisan leadership of both committees, and there have been staff meetings. No details have been released, but it is said that the meetings have been productive, and they are continuing discussions. The Democrats on the House T&I Committee commended Chair Shuster for putting a plan out. Beyond that, there are disagreements regarding substance. In general, House T&I Democrats feel his plan does not go far enough or provide enough funding and are reportedly drafting their own proposal. It is unclear if they'll release this separately or hold it in their back pockets. The discussion draft released by Shuster (<https://transportation.house.gov/building21/>) is basically a highway bill. It has a little - but not much - on the water side, including WIFIA reauthorization, watershed pilot projects, and small community technical assistance. It is also weak on other transportation modes besides highway. However, even Shuster notes that this is only a proposal intended to form the basis for dialogue. In general, the Senate is not inclined to do much on infrastructure unless and until they see something serious in the House. The House Energy & Commerce Committee has reached out to the Senate EPW Committee regarding the SRF. Recall that a bipartisan House Safe Drinking Water SRF reauthorization bill was previously reported. Sante asked the House committee if they were serious about including Clean Water SRF (vs. only drinking water), and they said they were interested in both and feel strongly about reauthorizing the SRFs. While not confirmed, Sante heard that Congressman McNerney is part of this conversation (he is on the Energy & Commerce Committee and has introduced significant water funding bills). Timing continues to be a challenge. Congress returns from recess in September, and then is back out mid-October returning after the November elections. This leaves little time after elections - and bill action at that time often depends on what the new Congress looks like (there may be reluctance to have Members vote on key legislation if the Member is voted out in November or is retiring).

WRDA Reauthorization

The House-passed WRDA bill is basically an Army Corps only bill (no other water funding programs). The Senate has a reported bill (July 10) but there's been no Floor action. The Coalition supports the Senate bill which contains modified versions of the SRF-WIN Act (S.2364) and of H.R. 5596 (Carbajal/Reed bill). It appears likely that once the Senate bill passes, the House and Senate will be in a similar conference/negotiation process as they were for the last WRDA reauthorization - with two very different bills requiring significant compromise or for one side to give in.

Other Bills

Most of the bills introduced have been intended to raise issues of interest to legislators and for them to position themselves for a future infrastructure bill. There have been no changes (no new cosponsors) to the bills of interest to the Coalition - H.R. 3275, the WEST Act; H.R. 2510, the “Water Quality Protection and Job Creation Act of 2017;” H.R. 5127, the “Water Recycling Investment and Improvement Act;” and, H.R. 1647, the Water Infrastructure Trust Fund Act of 2017” - since the last report.

SRF WIN Bills

S. 2364 was introduced by Senators John Boozman (R-AR), Chair of the Water Subcommittee of the Environment and Public Works Committee (EPW), and Senator Diane Feinstein (D-CA), Ranking Democrat of the Energy and Water Appropriations Subcommittee. Cosponsors are Senators Jim Inhofe (R-OK), Chair of the EPW Transportation and Infrastructure Subcommittee and Cory Booker (D-NJ), Ranking Democrat of the EPW Superfund Subcommittee (now with 10 sponsors). H.R. 4902 was introduced by Congressmen John Katko (R-NY-24), a member of the Water Resources Subcommittee of the Transportation and Infrastructure Committee, and Earl Blumenauer (D-OR-3), a member of the Ways and Means Committee (now with 7 sponsors) and, if you recall, the author of the voluntary fee labeling bill.

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

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

Status Update: No change since the last report.

Carbajal and Ellison Bills

H.R. 5596 was introduced on April 24 by Congressmen Salud Carbajal (D-CA-24) and Tom Reed (R-NY-23) and H.R. 5609 and introduced on April 25 by Congressman Keith Ellison (D-MN-5). H.R. 5596 authorizes \$50M for each of FY18-22 for a new EPA grant program for owners or operators of water systems who wish to increase resiliency or adaptability to extreme weather events. Eligible projects include efforts to conserve water or increase efficiency in its use, preserve or improve water quality, rebuild or relocate threatened infrastructure, protect source waters, etc. The Federal share is 75%. H.R 5609 creates a new water trust fund financed by increasing the corporate tax rate from 21 to 24.5% with an annual funding cap of up to \$35B going into the trust fund. Of that amount, 45% would be available for the Clean Water SRF and 44% for the Safe Drinking Water SRF. Other water programs – pollution control, non-point source, agriculture programs, etc. – make up the balance.

Natural Resources Committee Dems: McNerney Rewrite

To review, they are looking at McNerney's WEST Act (H.R. 3275) which the Coalition was very much involved in, with the goal of re-writing the bill to reflect the Committee's jurisdiction and introducing it as such. Progress is slow.

FY19 Interior Appropriations Bills

Both Houses have passed their version of the FY19 Interior Appropriations bill. The House bill contains lower numbers (\$1.34 for the CWSRF and \$900M for the SDWSRF) than the Senate despite the FY19 raised budget caps. The Senate has the same numbers as for FY18, which are \$1.694B for the CWSRF and \$1.16B for the SDWSRF. The House provides \$75M for WIFIA and the Senate \$63M. This month Key Advocates met with staff from each Committee, pushing the House Democrats to support the Senate levels, and urging the Senate to hold the line on their numbers.

FY19 Transportation Appropriations Bill

The Senate has passed its version of the FY19 Transportation Appropriations Bill. House Floor action is pending.

Program	FY'17 Enacted	FY'18 Enacted	House Committee-Passed FY'19 Bill	Final Senate 19 Bill
Highway Program	\$43.26B	\$47.5BB	\$50.3B	\$48.57B
BUILD/TIGER Grants	\$500M	\$1.5B	\$750M	\$1B
FTA CIG Grants - New Starts/Small Starts/Core Capacity	\$2.41B	\$2.65B	\$2.61B	\$2.6B
FTA Formula Grants	\$9.73B	\$10.5B	\$10.7B	\$10.7B
FTA WMATA	\$150M	\$150M	\$150M	\$150M
FAA Airport Improvement Program (AIP)	\$3.35B	\$4.35B	\$3.85B	\$4.1B
Amtrak NEC	\$328M	\$650M	\$650M	\$650M
Amtrak National Network	\$1.16B	\$1.29B	\$1.29B	\$1.29B
FRA CRISI Grants	\$68M	\$593M	\$300M	\$255M
FRA SOGR Grants	\$25M	\$250M	\$500M	\$300M
FRA Restoration Grants	\$5M	\$20M	\$0	\$10M

Earmarks

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

Bill Tracking

H.R.434 — 115th Congress (2017-2018) **New WATER Act Sponsor:** Rep. Denham, Jeff [R-CA-10] (Introduced 01/11/2017) **Cosponsors:** (9) **Committees:** House - Natural Resources

Status Update: no change since the last report.

H.R.23 — 115th Congress (2017-2018) **Gaining Responsibility on Water Act of 2017** **Sponsor:** Rep. Valadao, David G. [R-CA-21] (Introduced 01/03/2017) **Cosponsors:** (14) **Committees:** House - Natural Resources, Agriculture **Latest Action:** Passed House on July 12.

Status Update: no change since the last report.

H.R.465 — 115th Congress (2017-2018) **To amend the Federal Water Pollution Control Act to provide for an integrated planning and permitting process, and for other purposes.** **Sponsor:** Rep. Gibbs, Bob [R-OH-7] (Introduced 01/12/2017) **Cosponsors:** (1, now 8) **Committees:** House - Transportation and Infrastructure

Status Update: no change since the last report.

H.R.547 — 115th Congress (2017-2018) **National Infrastructure Development Bank of 2017** **Sponsor:** Rep. DeLauro, Rosa L. [D-CT-3] (Introduced 01/13/2017) **Cosponsors:** (73, now 86) **Committees:** House - Energy and Commerce, Transportation and Infrastructure, Financial Services, Ways and Means

Status Update: no change since the last report.

H.R.2479 — 115th Congress (2017-2018) **Leading Infrastructure for Tomorrow's America Act** **Sponsor:** Rep. Pallone, Frank, Jr. [D-NJ-6] (Introduced 05/17/2017) **Cosponsors:** (25) **Committees:** House - Energy and Commerce, Science, Space, and Technology, Transportation and Infrastructure, Ways and Means, Natural Resources

Status Update: no change since the last report.

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

Status Update: no change since the last report.

H.R.481 — 115th Congress (2017-2018)

REBUILD Act

Sponsor: [Rep. Calvert, Ken \[R-CA-42\]](#) (Introduced 01/12/2017) **Cosponsors:** (0)

Committees: House - Natural Resources

Status Update: no change since the last report.

[H.R.966](#) — 115th Congress (2017-2018)

TIGER CUBS Act

Sponsor: [Rep. Larsen, Rick \[D-WA-2\]](#) (Introduced 02/07/2017) **Cosponsors:** (5, now 8)

Committees: House - Appropriations, Budget.

Status Update: no change since the last report.

[S.846](#) — 115th Congress (2017-2018)

SAFE Bridges Act of 2017

Sponsor: [Sen. Shaheen, Jeanne \[D-NH\]](#) (Introduced 04/05/2017) **Cosponsors:** (4)

Committees: Senate - Environment and Public Works

Status Update: no change since the last report.

[H.R.1670](#) — 115th Congress (2017-2018)

Infrastructure 2.0 Act

Sponsor: [Rep. Delaney, John K. \[D-MD-6\]](#) (Introduced 03/22/2017) **Cosponsors:** (21)

Committees: House - Ways and Means, Transportation and Infrastructure, Rules

Status Update: no change since the last report.

[H.R.1669](#) — 115th Congress (2017-2018)

Partnership to Build America Act of 2017

Sponsor: [Rep. Delaney, John K. \[D-MD-6\]](#) (Introduced 03/22/2017) **Cosponsors:** (23, now 27)

Committees: House - Transportation and Infrastructure, Ways and Means

Status Update: no change since the last report.

[S.1756](#) — 115th Congress (2017-2018)

Rebuild America Now Act

Sponsor: [Sen. Sullivan, Dan \[R-AK\]](#) (Introduced 08/03/2017) **Cosponsors:** (11)

Committees: Senate - Environment and Public Works

Status Update: no change since the last report.