[DISCUSSION DRAFT]

115TH CONGRESS
2D SESSION

H. R. ______

To provide for the solvency of the Highway Trust Fund, to make investments in infrastructure, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. SHUSTER introduced the following bill; which was referred to the Committee on ______________________

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A BILL

To provide for the solvency of the Highway Trust Fund, to make investments in infrastructure, and for other purposes.

1    Be it enacted by the Senate and House of Representa-
2    tives of the United States of America in Congress assembled,
3    SECTION 1. SHORT TITLE; TABLE OF CONTENTS.
4    (a) Short Title.—This Act may be cited as the
5    “___________ Act of 2018”.
6    (b) Table of Contents.—

   Sec. 1. Short title; table of contents.

   TITLE I—HIGHWAY TRUST FUND

   Subtitle A—Future of Highway Trust Fund
Sec. 102. Per-mile user fee surface transportation system funding pilot.

Subtitle B—Highway Trust Fund Reform

Sec. 111. Elimination of reduced rate for intercity and local public transportation buses.
Sec. 112. Application of tax on diesel to certain passenger trains.
Sec. 113. Electric vehicle battery excise tax.
Sec. 114. Bicycle tire tax.

Subtitle C—Highway Trust Fund Solvency

Sec. 121. Increase in tax on motor fuels.
Sec. 122. Floor stocks tax.
Sec. 123. Extension of other highway-related taxes.
Sec. 124. Extension of transfers of certain taxes.
Sec. 125. Extension of Highway Trust Fund expenditure authority.

TITLE II—INVESTMENT IN INFRASTRUCTURE

Subtitle A—Transportation Infrastructure

Sec. 201. Infrastructure improvements.
Sec. 203. Repeal of rescission.
Sec. 204. Additional authorizations.
Sec. 205. Nationally significant freight and highways projects.

Subtitle B—Water Resources

Sec. 211. WIFIA reauthorization.
Sec. 212. Technical assistance for rural and small treatment works.
Sec. 213. State management assistance.
Sec. 214. Watershed pilot projects.
Sec. 215. Nonpoint source management programs.
Sec. 216. State water pollution control revolving funds.
Sec. 217. Harbor Maintenance Trust Fund discretionary spending limit adjustment.

Subtitle C—Economic Development

Sec. 221. Economic Development Administration reauthorization.

TITLE III—INNOVATIVE PROJECT FINANCE

Sec. 301. Authorization for credit risk premium payments for railroad rehabilitation and improvement financing.
Sec. 302. Public buildings public-private partnership pilot program.
Sec. 303. Federal Capital Revolving Fund.
Sec. 304. Reenactment of Coast Guard housing authorities.

TITLE IV—ACCELERATING PROJECT DELIVERY

Sec. 401. One Federal decision.
Sec. 402. Application of categorical exclusions for transportation projects.
Sec. 403. Pilot program on use of innovative practices for environmental reviews.
Sec. 404. Section 401 certification reform.
TITLE I—HIGHWAY TRUST FUND
Subtitle A—Future of Highway Trust Fund

SEC. 101. HIGHWAY TRUST FUND COMMISSION.

(a) Establishment.—There is established a commission to be known as the “Highway Trust Fund Commission” (in this section referred to as the “Commission”).

(b) Membership.—

(1) Number and Appointment.—The Commission shall be composed of 15 members, of whom—

(A) 5 members shall be appointed by the Secretary of Transportation in consultation with the Secretary of the Treasury;

(B) 3 members shall be appointed by the Speaker of the House of Representatives in consultation with the—

(i) chairman of the Committee on Transportation and Infrastructure of the House of Representatives; and

(ii) chairman of the Committee on Ways and Means of the House of Representatives;
(C) 2 members shall be appointed by the minority leader of the House of Representatives in consultation with the—

(i) ranking member of the Committee on Transportation and Infrastructure of the House of Representatives; and

(ii) ranking member of the Committee on Ways and Means of the House of Representatives;

(D) 3 members shall be appointed by the majority leader of the Senate in consultation with the—

(i) chairman of the Committee on Environment and Public Works of the Senate;

(ii) chairman of the Committee on Finance of the Senate;

(iii) chairman of the Committee on Commerce, Science, and Transportation of the Senate; and

(iv) chairman of the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(E) 2 members shall be appointed by the minority leader of the Senate in consultation with the—
(i) ranking member of the Committee on Environment and Public Works of the Senate;

(ii) ranking member of the Committee on Finance of the Senate;

(iii) ranking member of the Committee on Commerce, Science, and Transportation of the Senate; and

(iv) ranking member of the Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) QUALIFICATIONS.—Members appointed under paragraph (1)—

(A) shall be appointed from among individuals knowledgeable of the Nation’s surface transportation system, public funding of surface transportation projects or programs, including State or local revenue resources, Federal surface transportation policies and programs, and Federal tax policies and programs;

(B) may include individuals that represent interested parties, such as a State or political subdivision of a State, local government, public transportation authority or agency, and users of the surface transportation system; and
(C) may not include a Member of Congress.

(3) Timing.—Each of the appointments made under paragraph (1) shall be made not later than 90 days after the date of enactment of this Act.

(4) Chairperson.—The Chairperson of the Commission shall be elected by a majority of the members of the Commission.

(5) Terms and Vacancies.—Each member shall be appointed for the life of the Commission and a vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(6) Compensation.—

(A) In General.—Members of the Commission shall serve without pay.

(B) Travel Expenses.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(c) Duty.—

(1) In General.—The duty of the Commission established under subsection (a) shall be to conduct
a study and submit a report in accordance with this subsection.

(2) STUDY.—The Commission shall conduct a study that—

(A) identifies the current and future needs of the Nation’s surface transportation system;

(B) determines what levels of revenue are required by the Highway Trust Fund to address the needs identified under subparagraph (A);

(C) evaluates different revenue sources to achieve the levels determined under subparagraph (B); and

(D) includes anything else the Commission considers appropriate.

(3) REPORT.—On January 15, 2021, the Commission shall submit to Congress, the Secretary of Transportation, and the Secretary of the Treasury a written report that includes the—

(A) results of the study conducted under paragraph (2);

(B) at least 1 recommendation for achieving the long-term solvency of the Highway Trust Fund; and

(C) proposed legislation for—
(i) the recommendation under sub-
paragraph (B) in the event that only 1 rec-
ommendation is identified under such sub-
paragraph; or

(ii) the recommendation under sub-
paragraph (B) that the Commission deter-
mines appropriate in the event that more
than 1 recommendation is identified under
such subparagraph.

(4) LIMITATION.—The report submitted under
paragraph (3) may not include a recommendation or
proposed legislation to achieve long-term solvency of
the Highway Trust Fund, in whole or in part, by en-
acting a Federal excise tax on gasoline or diesel fuel.

(d) FUNDING.—Funding for the Commission shall be
provided by the Secretary of Transportation and the Sec-
retary of the Treasury out of the funds made available
to such agencies for administrative and policy functions.

(e) STAFF.—

(1) PAY OF PERSONNEL.—The Commission
may appoint and fix the pay of such personnel as
the Commission considers appropriate.

(2) DETAILEES.—Upon request of the Commis-
sion, the head of any Federal department or agency
may detail, without reimbursement, any personnel of
that department or agency to assist the Commission in carrying out subsection (c).

(f) INFORMATION.—

(1) FEDERAL INFORMATION.—The Commission may secure directly from any department or agency of the United States, including the Congressional Budget Office and the Government Accountability Office, any information, data, or technical assistance necessary to carry out this section. Upon the request of the Chairperson of the Commission, the head of that department or agency shall furnish such information, data, or technical assistance to the Commission.

(2) OTHER INFORMATION.—The Commission may gather other information or data through such means as it considers appropriate, including holding hearings and soliciting comments by means of Federal Register notices.

(g) MEETINGS.—

(1) INITIAL MEETING.—Not later than 30 days after the date on which all of the members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.
(2) OTHER MEETINGS.—The Commission shall hold other meeting as the Chairperson determines appropriate.

(h) TERMINATION.—The Commission shall terminate on the date that is 180 days after the date on which the report is submitted under subsection (c)(3).

(i) EXPEDITED PROCEDURES.—

(1) INTRODUCTION.—The Commission bill shall be introduced in the Senate (by request) by the majority leader of the Senate or by a Member of the Senate designated by the majority leader of the Senate and shall be introduced in the House of Representatives (by request) by the majority leader of the House of Representatives or by a Member of the House of Representatives designated by the majority leader of the House of Representatives on a date that each such House is in session and that is not later than 5 legislative days after the date of receipt of the report is submitted to Congress under subsection (c)(3).

(2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

(A) REPORTING AND DISCHARGE.—Any committee of the House of Representatives to which the commission bill is referred shall re-
port it to the House of Representatives without amendment. If a committee of the House of Representatives to which qualifying legislation has been referred has not reported such qualifying legislation within 10 legislative days after the date of referral, that committee shall be discharged from further consideration thereof.

(B) PROCEEDING TO CONSIDERATION.—Beginning on the third legislative day after each committee to which qualifying legislation has been referred reports it to the House of Representatives or has been discharged from further consideration thereof, it shall be in order to move to proceed to consider the qualifying legislation in the House of Representatives. All points of order against the motion are waived. Such a motion shall not be in order after the House of Representatives has disposed of a motion to proceed on the qualifying legislation with regard to the same agreement. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.
(C) CONSIDERATION.—The qualifying legislation shall be considered as read. All points of order against the qualifying legislation and against its consideration are waived. The previous question shall be considered as ordered on the qualifying legislation to final passage without intervening motion except [two hours] of debate equally divided and controlled by the sponsor of the qualifying legislation (or a designee) and an opponent. A motion to reconsider the vote on passage of the qualifying legislation shall not be in order.

(3) EXPEDITED PROCEDURE IN THE SENATE.—

(A) COMMITTEE CONSIDERATION.—A commission bill introduced in the Senate under subsection (a) shall be jointly referred to the committee or committees of jurisdiction, which committees shall report the bill without any revision and with a favorable recommendation, an unfavorable recommendation, or without recommendation, not later than 10 legislative days after the date of referral. If any committee fails to report the bill within that period, that committee shall be automatically discharged from
consideration of the bill, and the bill shall be placed on the appropriate calendar.

(B) MOTION TO PROCEED.—Notwithstanding rule XXII of the Standing Rules of the Senate, it is in order, not later than 2 days of session after the date on which a commission bill is reported or discharged from all committees to which it was referred, for the majority leader of the Senate or the majority leader’s designee to move to proceed to the consideration of the commission bill. It shall also be in order for any Member of the Senate to move to proceed to the consideration of the commission bill at any time after the conclusion of such 2-day period. A motion to proceed is in order even though a previous motion to the same effect has been disagreed to. All points of order against the motion to proceed to the commission bill are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the commission
bill is agreed to, the commission bill shall remain the unfinished business until disposed of.

(C) CONSIDERATION.—All points of order against the commission bill and against consideration of the commission bill are waived. Consideration of the commission bill and of all debatable motions and appeals in connection therewith shall not exceed a total of 30 hours which shall be divided equally between the majority and minority leaders or their designees. A motion further to limit debate on the commission bill is in order, shall require an affirmative vote of three-fifths of the Members duly chosen and sworn, and is not debatable. Any debatable motion or appeal is debatable for not to exceed 1 hour, to be divided equally between those favoring and those opposing the motion or appeal. All time used for consideration of the commission bill, including time used for quorum calls and voting, shall be counted against the total 30 hours of consideration.

(D) NO AMENDMENTS.—An amendment to the commission bill, or a motion to postpone, or a motion to proceed to the consideration of
other business, or a motion to recommit the commission bill, is not in order.

(E) VOTE ON PASSAGE.—If the Senate has voted to proceed to the commission bill, the vote on passage of the commission bill shall occur immediately following the conclusion of the debate on a commission bill, and a single quorum call at the conclusion of the debate if requested.

(F) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to a commission bill shall be decided without debate.

(4) AMENDMENT.—The commission bill shall not be subject to amendment in either the House of Representatives or the Senate.

(5) CONSIDERATION BY THE OTHER HOUSE.—

(A) IN GENERAL.—If, before passing the commission bill, one House receives from the other a commission bill—

(i) the commission bill of the other House shall not be referred to a committee; and
(ii) the procedure in the receiving House shall be the same as if no commission bill had been received from the other House until the vote on passage, when the commission bill received from the other House shall supplant the commission bill of the receiving House.

(B) REVENUE MEASURE.—This subsection shall not apply to the House of Representatives if the commission bill received from the Senate is a revenue measure.

(6) RULES OF THE HOUSE OF REPRESENTATIVES AND SENATE.—This section is enacted by Congress—

(A) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any
time, in the same manner, and to the same extent as in the case of any other rule of such House.

(j) DEFINITIONS.—In this section, the following definitions apply:


(2) SURFACE TRANSPORTATION SYSTEM.—The term “surface transportation system” means—

(A) any road, bridge, or tunnel eligible for Federal assistance under chapters 1 and 2 of title 23, United States Code; and

(B) any public transportation system eligible for Federal assistance under chapter 53 of title 49, United States Code.

SEC. 102. PER-MILE USER FEE SURFACE TRANSPORTATION SYSTEM FUNDING PILOT.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Transportation, in coordination with the Secretary of the Treasury, shall establish a pilot program to demonstrate a national per-mile user fee to restore and maintain the long-term solvency of the Highway
Trust Fund and steadily reduce the state of good repair backlog in surface transportation.

(2) Objectives.—The objectives of the pilot program are to—

(A) test the design, acceptance, implementation, and financial sustainability of a national per-mile user fee;

(B) increase public awareness regarding the need for additional revenue for surface transportation and a national per-mile user fee;

and

(C) provide recommendations regarding adoption and implementation of a national per-mile user fee.

(b) Parameters.—In carrying out the pilot program established in subsection (a), the Secretary of Transportation, in coordination with the Secretary of the Treasury, shall—

(1) provide different methods to track vehicle miles traveled that volunteer participants can choose from;

(2) solicit volunteer participants from all 50 States and the District of Columbia;

(3) ensure an equitable geographic distribution by population among volunteer participants;
(4) include owners of commercial vehicles and private motor vehicles in the pilot program; and
(5) use components of, and information from, the States selected for the pilot program under section 6020 of the FAST Act (23 U.S.C. 503 note), where applicable.

(e) METHODS.—In developing the methods described in paragraph (b)(1), the Secretary of Transportation shall consider—

(1) third-party on-board diagnostic (OBD–II) devices;
(2) smart phone applications;
(3) reporting by automakers;
(4) reporting by car insurance companies;
(5) manual reporting through State departments of motor vehicles; and
(6) any other method that the Secretary of Transportation considers appropriate.

(d) PER-MILE USER FEES.—For the purposes of the pilot program established in subsection (a), the Secretary of the Treasury shall establish on an annual basis—

(1) for passenger vehicles and light trucks, a per-mile user fee that is equivalent to—
(A) the average annual taxes imposed by sections 4041 and 4081 of the Internal Rev-
enue Code of 1986 with respect to gasoline or any other fuel used in a motor vehicle (other than aviation gasoline or diesel), divided by 

(B) the total vehicle miles traveled by pas-
senger vehicles and light trucks; and 

(2) for medium and heavy duty trucks, a per-
mile user fee that is equivalent to— 

(A) the average annual taxes imposed by sections 4041 and 4081 of such Code with re-
spect to diesel fuel, divided by 

(B) the total vehicle miles traveled by me-
dium and heavy duty trucks.

Taxes shall only be taken into account under the preceding sentence to the extent taken into account in determining appropriations to the Highway Trust 
Fund under section 9503(b) of such Code, and the amount so determined shall be reduced to account for transfers from such fund under paragraphs (3), (4), and (5) of section 9503(c) of such Code. 

(e) VOLUNTEER PARTICIPANTS.—

(1) IN GENERAL.—The Secretary of Transpor-
tation, in coordination with the Secretary of the Treasury, shall ensure to the extent practicable, that an appropriate number of volunteer participants par-
ticipate in the pilot program.
(2) PROTECTION POLICIES.—The Secretary of Transportation, in coordination with the Secretary of the Treasury, shall issue policies to—

(A) protect the privacy of volunteer participants; and

(B) secure the data provided by volunteer participants.

(f) REVENUE COLLECTION.—The Secretary of the Treasury, in coordination with the Secretary of Transportation, shall establish a mechanism to collect per-mile user fees established in subsection (d) from volunteer participants. Such a mechanism—

(1) may be adjusted as needed to address technical challenges; and

(2) may allow third-party vendors to collect the payments and forward to the Treasury.

(g) LIMITATION.—Any revenue collected through the mechanism established in subsection (f) shall not be considered a toll under section 301 of title 23, United States Code.

(h) HIGHWAY TRUST FUND.—The Secretary of the Treasury shall ensure that any revenue collected under subsection (f) is deposited into the Highway Trust Fund.

(i) REFUND.—The Secretary of the Treasury promptly shall calculate and issue an equivalent refund to
volunteer participants for applicable Federal motor fuel
taxes under section 4041 and section 4081 of the Internal
Revenue Code of 1986, the applicable battery tax under
section 4111 of such Code, or both, if applicable.

(j) **REPORT TO CONGRESS.**—Not later than 1 year
after the date on which volunteer participants begin par-
ticipating in the pilot program, and each year thereafter
for the duration of the pilot program, the Secretary of
Transportation and the Secretary of the Treasury shall
submit to the Committee on Transportation and Infra-
structure of the House of Representatives and the Com-
mittee on Environment and Public Works of the Senate
a report that includes an analysis of—

(1) whether the objectives described in sub-
section (a)(2) were achieved;

(2) how volunteer protections in subsection
(c)(2) were complied with; and

(3) whether per-mile user fees can maintain the
long-term solvency of the Highway Trust Fund and
steadily reduce the state of good repair backlog in
surface transportation.

(k) **AUTHORIZATION.**—

(1) **IN GENERAL.**—Of the funds authorized to
carry out section 503(b) of title 23, United States
Code, $5,000,000 for each of fiscal years 2019 through 2021 shall be used to carry out this section.

(2) Other possible funds.—Notwithstanding section 6020(k) of the FAST Act (23 U.S.C. 503 note), if the Secretary of Transportation determines that there are an insufficient number of grant applications that meet the requirements of section 6020 of such Act for a fiscal year, the Secretary may use the funds provided for such section to carry out this section.

(l) Sunset.—The pilot program established under this section shall expire on the date that is 2 years after the date on which volunteer participants begin participating in such program.

(m) Successor Program for Certain Commercial Vehicle Fleets.—

(1) In general.—Beginning on the date on which the pilot program expires under subsection (l), the Secretary of Transportation, in coordination with the Secretary of the Treasury, may establish a successor program to be carried out in the same manner as the pilot program under this section.

(2) Participation.—Eligibility for the successor program established under subparagraph (A)
shall be limited to any volunteer participant of the
pilot program who—
(A) is the owner of a commercial fleet of
vehicles; and
(B) requests participation in the successor
program.
(n) DEFINITIONS.—In this section, the following defi-
nitions apply:
(1) VOLUNTEER PARTICIPANT.—The term “vol-
unteer participant” means an owner of—
(A) an individual private motor vehicle or
commercial vehicle who volunteers to participate
in the pilot program; or
(B) a commercial fleet of vehicles who vol-
unteers to participate in the pilot program.
(2) HIGHWAY TRUST FUND.—The term “High-
way Trust Fund” means the Highway Trust Fund
established under section 9503 of the Internal Rev-
Subtitle B—Highway Trust Fund Reform

SEC. 111. ELIMINATION OF REDUCED RATE FOR INTERCITY AND LOCAL PUBLIC TRANSPORTATION BUSES.

(a) GASOLINE.—Subsection (b) of section 6421 of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (1), by striking “while engaged in—” and all that follows through “the Secretary shall pay” and inserting the following: “while engaged in the transportation of students and employees of schools (as defined in the last sentence of section 4221(d)(7)(C)), the Secretary shall pay”,

(2) by striking so much of such subsection as precedes “Except as otherwise provided” and inserting the following:

“(b) SCHOOL BUSES.—”, and

(3) by striking paragraph (2).

(b) FUEL OTHER THAN GASOLINE.—Subsection (b) of section 6427 of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (1), by striking “while engaged in—” and all that follows through “the Secretary shall pay” and inserting the following: “while engaged in the transportation of students and em-
ployees of schools (as defined in the last sentence of section 4221(d)(7)(C)), the Secretary shall pay”,

(2) by striking so much of such subsection as precedes “Except as otherwise provided” and inserting the following:

“(b) SCHOOL BUSES.—”, and

(3) by striking paragraphs (2), (3), and (4).

(c) CONFORMING AMENDMENTS.—Section 4041(a)(1)(C)(iii) of such Code is amended to read as follows:

“(iii) EXCEPTION FOR SCHOOL BUSES.—No tax shall be imposed by this paragraph on any sale for use, or use, described in section 6427(b).”.

(d) EFFECTIVE DATE.—The amendment made by this section shall apply to fuel sold after December 31, 2018.

SEC. 112. APPLICATION OF TAX ON DIESEL TO CERTAIN PASSENGER TRAINS.

(a) IN GENERAL.—Section 4041(a)(1)(C)(ii) of the Internal Revenue Code of 1986 is amended to read as follows:

“(ii) RATE OF TAX ON TRAINS.—In the case of any sale for use, or use, of die-
sel fuel in a train, the rate of tax imposed
by this paragraph shall be—

“(I) except as provided in sub-
clause (II), zero, and

“(II) in the case of an applicable
passenger train, 4.3 cents per gallon
before October 1, 2028.”.

(b) APPLICABLE PASSENGER TRAIN.—Section
4041(a)(1)(C) of such Code is amended by adding at the
end the following new clause:

“(iv) APPLICABLE PASSENGER
TRAIN.—For purposes of clause (ii), the
term ‘applicable passenger train’ means
any train which is part of a public trans-
portation system which is eligible for a
grant to be made under section 5307 or
5337 of title 49, United States Code.”.

(c) INCREASE FOR INFLATION.—Section
4041(a)(1)(C) of such Code, as amended by subsection
(b), is amended by adding at the end the following new
clause:

“(v) ADJUSTMENT FOR INFLATION.—
In the case of any calendar year beginning
after 2021, the rate of tax contained in
clause (ii)(II) shall be increased by an amount equal to—

“(I) such rate, multiplied by

“(II) the cost of living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting ‘calendar year 2020’ for ‘calendar year 1992’ in subparagraph (A)(ii) thereof.

Any increase under the preceding sentence shall be rounded to the nearest 0.1 cents.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to sales or uses after December 31, 2018.

SEC. 113. ELECTRIC VEHICLE BATTERY EXCISE TAX.

(a) IN GENERAL.—Subchapter A of chapter 32 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subpart:

“PART IV—ELECTRIC VEHICLE BATTERIES

“Sec. 4111. Electric vehicle batteries.

“SEC. 4111. ELECTRIC VEHICLE BATTERIES.

“(a) IMPOSITION OF TAX.—There is hereby imposed on the sale by the manufacturer or importer of each electric motor vehicle battery a tax equal to 10 percent of the price for which so sold.
“(b) Electric Motor Vehicle Battery.—For purposes of this section—

“(1) In general.—The term ‘electric motor vehicle battery’ means a battery which is designed to power an electric motor that to a significant extent propels a motor vehicle.

“(2) Motor vehicle.—The term ‘motor vehicle’ means any vehicle which is manufactured primarily for use on public streets, roads, and highways (not including a vehicle operated exclusively on a rail or rails) and which has at least 4 wheels.

“(c) Initial Sale as Component.—In the case of a electric motor vehicle battery sold as a component of a motor vehicle, the price taken into account under subsection (a) shall be so much of the price for which the motor vehicle was sold as is allocable to such battery.”.

(b) Inclusion in Highway Trust Fund.—Section 9503(b)(1) of such Code is amended by striking “and” at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting “, and”, and by inserting after subparagraph (E) the following new subparagraph:

“(F) Section 4111 (relating to electric vehicle batteries).”.
(c) Clerical Amendment.—The table of parts for subchapter A of chapter 32 of such Code is amended by adding at the end the following new item:

“PART IV. ELECTRIC VEHICLE BATTERIES”.

(d) Effective Date.—The amendments made by this section shall apply to sales after December 31, 2018.

SEC. 114. BICYCLE TIRE TAX.

(a) In General.—Subchapter D of chapter 32 of the Internal Revenue Code of 1986 is amended by inserting after part I the following new part:

“PART II—BICYCLE TIRES

SEC. 4171. BICYCLE TIRE TAX.

“(a) Imposition of Tax.—There is hereby imposed on the sale by the manufacturer or importer of each bicycle tire the inflated outside diameter of which is at least 26 inches a tax equal to 10 percent of the price for which so sold.

“(b) Initial Sale as Component.—In the case of a bicycle tire sold as a component of a bicycle, the price taken into account under subsection (a) shall be so much of the price for which the bicycle was sold as is allocable to such tire.”.

(b) Inclusion in Highway Trust Fund.—Section 9503(b)(1) of such Code, as amended by the preceding provisions of this Act, is amended by striking “and” at the end of subparagraph (E), by striking the period at
the end of subparagraph (F) and inserting “, and”, and
by inserting after subparagraph (F) the following new
subparagraph:
“(G) Section 4171 (relating to bicycle tire
tax).”.
(c) Clerical Amendment.—The table of parts for
subchapter D of chapter 32 of such Code is amended by
inserting after the item relating to part I the following
new item:

“PART II. BICYCLE TIRES.”.
(d) Effective Date.—The amendments made by
this section shall apply to sales after December 31, 2018.

Subtitle C—Highway Trust Fund
Solvency

SEC. 121. INCREASE IN TAX ON MOTOR FUELS.
(a) Gasoline Other Than Aviation Gasoline.—
Section 4081(a)(2)(A)(i) of the Internal Revenue Code of
1986 is amended to read as follows:
“(i) in the case of gasoline other than
aviation gasoline—
“(I) for tax imposed before 2019,
18.3 cents per gallon,
“(II) for tax imposed during
2019, 23.3 cents per gallon,
“(III) for tax imposed during
2020, 28.3 cents per gallon, and
“(IV) for tax imposed after 2020, 33.3 cents per gallon,”.

(b) DIESEL FUEL OR KEROSENE.—Section 4081(a)(2)(A)(iii) of such Code is amended to read as follows:

“(iii) in the case of diesel fuel or kerosene—

“(I) for tax imposed before 2019, 24.3 cents per gallon,

“(II) for tax imposed during 2019, 30.3 cents per gallon,

“(III) for tax imposed during 2020, 37.3 cents per gallon, and

“(IV) for tax imposed after 2020, 44.3 cents per gallon.”.

(e) INCREASE FOR INFLATION.—Section 4081(a)(2) of such Code is amended by adding at the end the following:

“(E) ADJUSTMENT FOR INFLATION.—In the case of any calendar year beginning after 2021, the rates of tax contained in clauses (i)(IV) and (iii)(IV) of subparagraph (A) shall each be increased by an amount equal to—

“(i) such rate, multiplied by
“(ii) the cost of living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting ‘calendar year 2020’ for ‘calendar year 1992’ in subparagraph (A)(ii) thereof.

Any increase under the preceding sentence shall be rounded to the nearest 0.1 cents.”.

(d) ALTERNATIVE FUELS.—

(1) LIQUEFIED PETROLEUM GAS.—Section 4041(a)(2)(B)(ii) of such Code is amended by inserting “after September 30, 2028” after “liquefied petroleum gas”.

(2) COMPRESSED NATURAL GAS.—The second sentence of section 4041(a)(3)(A) of such Code is amended by striking “18.3 cents” and inserting “the rate of tax specified in section 4081(a)(2)(A)(i) which is in effect at the time of such sale or use (18.3 cents after September 30, 2028)”.

(3) CERTAIN FUEL DERIVED FROM COAL OR BIOMASS; LIQUEFIED NATURAL GAS.—Clauses (iii) and (iv) of section 4041(a)(2)(B) of such Code are each amended by striking “24.3 cents” and inserting “the rate of tax specified in section 4081(a)(2)(A)(iii) which is in effect at the time of
such sale or use (24.3 cents after September 30, 2028”).

(e) Diesel-Water Fuel Emulsion.—Section 4081(a)(2)(D) of the Internal Revenue Code of 1986 is amended by striking “by substituting ‘19.7 cents’ for ‘24.3 cents’.” and inserting “by substituting a rate equal to 81 percent of the rate in effect under subparagraph (A) (without regard to this subparagraph).”.

(f) Delayed Termination of Gas and Diesel Rates.—Section 4081(d)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking “September 30, 2022” and inserting “September 30, 2028”, and

(2) by striking “4.3 cents per gallon” and inserting “zero”.

(g) Conforming Transfers to Mass Transit Account.—Section 9503(e)(2) of such Code is amended by adding at the end the following new flush matter:

“In the case of amounts appropriated to the Highway Trust Fund under subsection (b) which are attributable to taxes under sections 4041 and 4081 imposed after December 31, 2019, for purposes of any fuel described in subparagraph (A), (C), (D), or (E), the mass transit portion with respect to each such fuel shall be determined at a rate which bears
the same ratio to the rate of tax so imposed with re-
spect to such fuel as the rate of the mass transit
portion with respect to such fuel (determined with-
out regard to this sentence) bears to the rate of tax
in effect with respect to such fuel on the day before
the date of the enactment of this sentence.”.

(h) Effective Date.—The amendments made by
this section shall apply to fuels or liquids removed, en-
tered, or sold after December 31, 2018.

SEC. 122. FLOOR STOCKS TAX.

(a) Imposition of Tax.—In the case of any taxable
liquid which is held on the floor stocks tax date by any
person, there is hereby imposed a floor stocks tax equal
to the excess of the tax which would be imposed on such
liquid under section 4041 or 4081 of the Internal Revenue
Code of 1986 had the taxable event occurred on the floor
stocks tax date over the tax paid under any such section
on such liquid.

(b) Liability for Tax and Method of Pay-
ment.—

(1) Liability for Tax.—A person holding a
liquid on the floor stocks tax date to which the tax
imposed by subsection (a) applies shall be liable for
such tax.
(2) METHOD OF PAYMENT.—The tax imposed by subsection (a) shall be paid in such manner as the Secretary shall prescribe.

(3) TIME OF PAYMENT.—The tax imposed by subsection (a) shall be paid on or before the date which is 6 months after the floor stocks tax date.

(e) DEFINITIONS.—For purposes of this section—

(1) HELD BY A PERSON.—A liquid shall be considered as held by a person if title thereto has passed to such person (whether or not delivery to the person has been made).

(2) TAXABLE LIQUID.—The term “taxable liquid” means diesel fuel and kerosene (other than aviation-grade kerosene).

(3) FLOOR STOCKS DATE.—The term “floor stocks tax date” means any January 1 of any calendar year beginning after the date of the enactment of this Act on which a rate of tax under section 4041 or 4081 of such Code increases pursuant to an amendment made by this title.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Treasury.

(d) EXCEPTION FOR EXEMPT USES.—The tax imposed by subsection (a) shall not apply to taxable liquid held by any person exclusively for any use to the extent
a credit or refund of the tax imposed by a section of such Code is allowable for such use.

(c) Exception for Fuel Held in Vehicle Tank.—No tax shall be imposed by subsection (a) on taxable liquid held in the tank of a motor vehicle or motorboat.

(f) Exception for Certain Amounts of Fuel.—

(1) In General.—No tax shall be imposed by subsection (a) on any liquid held on the floor stocks tax date by any person if the aggregate amount of liquid held by such person on such date does not exceed 2,000 gallons. The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this paragraph.

(2) Exempt Fuel.—For purposes of paragraph (1), there shall not be taken into account fuel held by any person which is exempt from the tax imposed by subsection (a) by reason of subsection (d) or (e).

(3) Controlled Groups.—For purposes of this section—

(A) Corporations.—
(i) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(ii) CONTROLLED GROUP.—The term “controlled group” has the meaning given to such term by subsection (a) of section 1563 of such Code; except that for such purposes the phrase “more than 50 percent” shall be substituted for the phrase “at least 80 percent” each place it appears in such subsection.

(B) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of clause (i) shall apply to a group of persons under common control where one or more of such persons is not a corporation.

(g) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by chapter 31 or 32 of such Code shall, insofar as applicable and not inconsistent with the provisions of this section, apply with respect to the floor stock taxes imposed by subsection (a) to the same extent as if such taxes were imposed by such chapter.
SEC. 123. EXTENSION OF OTHER HIGHWAY-RELATED TAXES.

(a) In General.—

(1) Section 4041(m)(1)(B) of the Internal Revenue Code of 1986 is amended by striking “September 30, 2022” and inserting “September 30, 2028”.

(2) Each of the following provisions of such Code is amended by striking “October 1, 2022” and inserting “October 1, 2028”:

(A) Section 4041(m)(1)(A).

(B) Section 4051(c).

(C) Section 4071(d).

(D) Section 4081(d)(3).

(b) Extension of Tax, etc., on Use of Certain Heavy Vehicles.—Each of the following provisions of the Internal Revenue Code of 1986 is amended by striking “2023” each place it appears and inserting “2028”:

(1) Section 4481(f).

(2) Subsections (c)(4) and (d) of section 4482.

(c) Floor Stocks Refunds.—Section 6412(a)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking “October 1, 2022” each place it appears and inserting “October 1, 2028”; and

(2) by striking “March 31, 2023” each place it appears and inserting “March 31, 2029”; and
(3) by striking “January 1, 2023” and inserting “January 1, 2029”.

(d) Extension of Certain Exemptions.—

(1) Section 4221(a) of the Internal Revenue Code of 1986 is amended by striking “October 1, 2022” and inserting “October 1, 2028”.

(2) Section 4483(i) of such Code is amended by striking “October 1, 2023” and inserting “October 1, 2028”.


(a) In General.—Section 9503 of the Internal Revenue Code of 1986 is amended—

(1) in subsection (b)—

(A) by striking “October 1, 2022” each place it appears in paragraphs (1) and (2) and inserting “October 1, 2028”;

(B) by striking “OCTOBER 1, 2022” in the heading of paragraph (2) and inserting “OCTOBER 1, 2028”;

(C) by striking “September 30, 2022” in paragraph (2) and inserting “September 30, 2028”; and

(D) by striking “July 1, 2023” in paragraph (2) and inserting “July 1, 2029”; and
(2) in subsection (c)(2), by striking “July 1, 2023” and inserting “July 1, 2029”.

(b) MOTORBOAT AND SMALL-ENGINE FUEL TAX TRANSFERS.—

(1) IN GENERAL.—Paragraphs (3)(A)(i) and (4)(A) of section 9503(c) of such Code are each amended by striking “October 1, 2022” and inserting “October 1, 2028”.

(2) CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.—Section 200310 of title 54, United States Code, is amended—

(A) by striking “October 1, 2023” each place it appears and inserting “October 1, 2029”; and

(B) by striking “October 1, 2022” and inserting “October 1, 2028”.

SEC. 125. EXTENSION OF HIGHWAY TRUST FUND EXPENDITURE AUTHORITY.

Section 9503 of the Internal Revenue Code of 1986 is amended—

(1) by striking “October 1, 2020” in subsections (b)(6)(B), (c)(1), and (e)(3) and inserting “October 1, 2021”, and
(2) by striking “FAST Act” in subsections (e)(1) and (e)(3) and inserting “____________ Act of 2018”.

**TITLE II—INVESTMENT IN INFRASTRUCTURE**

**Subtitle A—Transportation Infrastructure**

**SEC. 201. INFRASTRUCTURE IMPROVEMENTS.**

(a) In General.—Subtitle III of title 49, United States Code, is amended by adding at the end the following:

“CHAPTER 67—INFRASTRUCTURE IMPROVEMENTS

§ 6701. National infrastructure investments

“(a) Establishment.—The Secretary of Transportation shall establish a national infrastructure investments program to make capital investments in transportation infrastructure.

“(b) Grant Authority.—

“(1) In general.—In carrying out the program established under subsection (a), the Secretary may make grants, on a competitive basis, in accordance with this section.
“(2) **GRANT AMOUNT.**—Except as otherwise provided, each grant made under this section shall be in an amount that is at least $25,000,000.

“(c) **ELIGIBLE APPLICANTS.**—

“(1) **IN GENERAL.**—The Secretary may make a grant under this section to the following:

“(A) A State.

“(B) A local government.

“(C) A transit agency.

“(D) A political subdivision of a State.

“(E) An interstate compact.

“(F) A public agency or publicly chartered authority established by 1 or more States.

“(G) A multistate or a multijurisdictional group of entities described in this paragraph.

“(2) **APPLICATIONS.**—To be eligible for a grant under this section, an entity specified in paragraph (1) shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary determines is appropriate.

“(d) **ELIGIBLE PROJECTS.**—The Secretary may make a grant under this section only for a project that is—

“(1) a highway or bridge project eligible to receive Federal assistance under title 23;
“(2) a public transportation project eligible to receive Federal assistance under chapter 53 of this title;

“(3) a passenger rail or freight rail transportation project eligible to receive Federal assistance under this title;

“(4) a port project, including inland port infrastructure and land ports of entry;

“(5) an airport project; or

“(6) a transformative transportation project.

“(e) TREATMENT OF PROJECTS.—The requirements of subchapter IV of chapter 31 of title 40 shall apply to any project carried out under this section.

“(f) TIFIA PROGRAM.—At the request of an eligible applicant under this section, the Secretary may use amounts awarded to the applicant to pay for the subsidy and administrative costs necessary to provide the applicant Federal credit assistance under chapter 6 of title 23 with respect to the project for which the grant was awarded if such project is eligible for such assistance.

“(g) REQUIREMENTS.—In making grants under this section, the Secretary shall ensure—

“(1) an equitable geographic distribution of funds; and
“(2) an investment in a variety of transportation modes.

“(h) FEDERAL SHARE.—Except as provided under subsection (i)(2), the Federal share of the cost of an eligible project assisted with a grant under this section may not exceed 80 percent.

“(i) RURAL AREAS.—

“(1) IN GENERAL.—The Secretary shall reserve not less than 30 percent of the funding made available to carry out this section each fiscal year for eligible projects located in rural areas.

“(2) FEDERAL SHARE.—The Federal share of the cost of an eligible project that receives funds under this subsection may exceed 80 percent.

“(j) ADMINISTRATIVE EXPENSES.—Of the amounts made available to carry out this section, the Secretary may reserve up to $25,000,000 each fiscal year for the administration of the program established under subsection (a).

“(k) INCENTIVE GRANTS.—

“(1) IN GENERAL.—The Secretary may make a grant under this section to an eligible applicant under subsection (c)(1) that owns an infrastructure asset and has leased such asset to a private sector entity. Such grants shall be made for purposes of
carrying out an eligible project described in sub-
section (d).

“(2) CERTIFICATION.—The Secretary shall not
make a grant under paragraph (1) unless the eligi-
ble applicant certifies to the Secretary that any pay-
ment such applicant receives from the lease of the
applicable infrastructure asset will be used to carry
out a project or projects to improve infrastructure
owned by such applicant.

“(3) GRANT AMOUNT.—The amount of a grant
made pursuant to this subsection shall equal 15 per-
cent of the assessed value of the leased infrastruc-
ture asset.

“(4) FUNDING.—Not more than
$3,000,000,000 of the amounts made available to
carry out this section for fiscal years 2019 through
2023, in aggregate, may be used to make grants
under this subsection.

“(5) INFRASTRUCTURE ASSET DEFINED.—In
this subsection, the term ‘infrastructure asset’
means an asset that is—

“(A) a highway, as defined in section 101
of title 23;

“(B) a public transit facility;

“(C) an airport;
“(D) a port or a port terminal;
“(E) a publicly owned railroad facility;
“(F) a wastewater conveyance and treatment facility;
“(G) a drinking water treatment and distribution facility;
“(H) an intermodal facility;
“(I) an intercity passenger bus facility;
“(J) an intercity passenger rail facility; or
“(K) a group of assets described in this paragraph.

“(l) PROJECTS OF NATIONAL SIGNIFICANCE.—

“(1) IN GENERAL.—Not more than $500,000,000 of the amounts made available to carry out this section for each of fiscal years 2019 through 2023 may be appropriated for projects of national significance under section 6702.

“(2) LIMITATION.—Funds may not be appropriated for a project of national significance under such section unless—

“(A) such project is included in—

“(i) the initial annual report described under section 6702(d); or
“(ii) any annual report submitted after such initial report in accordance with section 6702(a); and

“(B) such project has been authorized by an Act of Congress.

“(m) Authorization of Appropriations.—There is authorized to carry out this section $3,000,000,000 for each of fiscal years 2019 through 2023.

“(n) Definitions.—In this section, the following definitions apply:

“(1) Rural area.—The term ‘rural area’ means an area that is outside an urbanized area, as defined and designated in the most recent decennial census by the Secretary of Commerce, with a population of over 200,000.

“(2) State.—The term ‘State’ means any of the 50 States, the District of Colombia, Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, or the United States Virgin Islands.

“(3) Transformative Transportation Project.—The term ‘transformative transportation project’ means a project that uses innovation or technology to facilitate the movement of goods or people.
§ 6702. Projects of national significance

(a) In general.—Not later than March 1, 2019, and annually thereafter, the Secretary of Transportation shall submit to the Committee on Banking, Housing, and Urban Affairs, the Committee on Commerce, Science, and Transportation, and the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an annual report, to be entitled ‘Report to Congress on Building a 21st Century Infrastructure’, that identifies projects of national significance.

(b) Requests for proposals.—

(1) Publication.—Not later than May 1 of each year, the Secretary shall publish in the Federal Register a notice requesting proposals from project sponsors for proposed projects of national significance to be included in the annual report.

(2) Deadline for requests.—The Secretary shall include in each notice required by this subsection a requirement that project sponsors submit to the Secretary any proposals described in paragraph (1) not later than 120 days after the date of publication of the notice in the Federal Register.

(c) Contents of annual reports.—
“(1) **Criteria for inclusion in report.**—

The Secretary shall include in the annual report only those projects of national significance that—

“(A) have not been included in any previous annual report;

“(B) have been submitted by a project sponsor in accordance with subsection (b);

“(C) the project sponsor has demonstrated the financial ability to provide the required share of the cost of the project that is not the Federal share as described in section 6701; and

“(D) the project sponsor has identified that non-Federal support exists for such project.

“(2) **Description of benefits.**—The Secretary shall describe in the annual report for each project of national significance how such project—

“(A) will significantly improve the performance of the Nation’s transportation system; and

“(B) is able to—

“(i) generate national economic benefits;

“(ii) reduce long-term congestion; and
“(iii) increase the speed and reliability of the movement of people or freight.

“(3) TRANSPARENCY.—The Secretary shall include in the annual report, for each project of national significance—

“(A) the name of the associated project sponsor, including the name of any project sponsor that has contributed, or is expected to contribute, a non-Federal share of the cost of such project;

“(B) an estimate of the Federal, non-Federal, and total costs of such project; and

“(C) an identification of the non-Federal support that exists for such project.

“(d) CONTENTS OF INITIAL ANNUAL REPORT.—Notwithstanding subsection (c), the annual report required to be submitted on March 1, 2019, shall contain any project that—

“(1) has been—

“(A) identified as a high priority corridor on the National Highway System under section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2032); or
“(B) authorized by an Act of Congress;

and

“(2) the Secretary determines is a project of

national significance under this section.

“(e) DEFINITIONS.—In this section, the following
definitions apply:

“(1) ANNUAL REPORT.—The term ‘annual re-
port’ means the report required under subsection
(a).

“(2) PROJECT OF NATIONAL SIGNIFICANCE.—
The term ‘project of national significance’ means any highway project, public transportation capital
project, airport project, intercity passenger or
freight rail project, port project (including inland
port and a land port of entry), or multimodal project
that—

“(A) will significantly improve the per-
formance of the Nation’s transportation system;

and

“(B) is able to—

“(i) generate national economic bene-
fits;

“(ii) reduce long-term congestion; and

“(iii) increase the speed and reliability
of the movement of people or freight.
“(3) PROJECT SPONSOR.—The term ‘project sponsor’ means—

“(A) a State;
“(B) a local government;
“(C) a transit agency;
“(D) a political subdivision of a State;
“(E) an interstate compact;
“(F) a public agency or publicly chartered authority established by 1 or more States; or
“(G) a multistate or a multijurisdictional group of entities described in this paragraph.

“(4) STATE.—The term ‘State’ has the meaning given such term in section 6701(n).”.

(b) CONFORMING AMENDMENT.—The table of chapters for subtitle III of title 49, United States Code, is amended by inserting after the item relating to chapter 65 the following:

“67. Infrastructure improvements ........................................ 6701”.

SEC. 202. EXTENSION OF FEDERAL SURFACE TRANSPOR-

TATION PROGRAMS.

(a) IN GENERAL.—Except as otherwise provided in this Act, the requirements, authorities, conditions, eligibilities, limitations, and other provisions authorized under the covered laws, which would otherwise expire on or cease to apply after September 30, 2020, are incorporated by
reference and shall continue in effect through September 30, 2021.

(b) Authorization of Appropriations.—

(1) Highway trust fund.—

(A) Highway account.—There is authorized to be appropriated from the Highway Account for fiscal year 2021, for each program with respect to which amounts are authorized to be appropriated from such account for fiscal year 2020, an amount equal to the amount authorized for appropriation with respect to the program from such account under the covered laws for fiscal year 2020.

(B) Mass transit account.—There is authorized to be appropriated from the Mass Transit Account for fiscal year 2021, for each program with respect to which amounts are authorized to be appropriated from such account for fiscal year 2020, an amount equal to the amount authorized for appropriation with respect to the program from such account under the covered laws for fiscal year 2020.

(2) General fund.—There is authorized to be appropriated for fiscal year 2021, for each program with respect to which amounts are authorized to be
appropriated for fiscal year 2020 from an account other than the Highway Account or the Mass Transit Account under the titles specified in subsection (e)(1)(A), an amount equal to the amount authorized for appropriation with respect to the program under such titles for fiscal year 2020.

(c) USE OF FUNDS.—Amounts authorized to be appropriated for fiscal year 2021 with respect to a program under subsection (b) shall be distributed, administered, limited, and made available for obligation in the same manner as amounts authorized to be appropriated with respect to the program for fiscal year 2020 under the covered laws.

(d) OBLIGATION LIMITATION.—A program for which amounts are authorized to be appropriated under subsection (b)(1) shall be subject to a limitation on obligations for fiscal year 2021 in the same amount and in the same manner as the limitation applicable with respect to the program for fiscal year 2020.

(e) DEFINITIONS.—In this section, the following definitions apply:

(1) COVERED LAWS.—The term “covered laws” means the following:

(A) Titles I, III, IV, V, and VI of division A of the FAST Act (Public Law 114–94).
(B) Division A, division B, subtitle A of title I and title II of division C, and division E of MAP–21 (Public Law 112–141).


(F) Titles II, III, and IV of the National Highway System Designation Act of 1995 (Public Law 104–59).


(H) Title 23, United States Code.

(I) Sections 116, 117, 330, and 5505 and chapters 53, 303, 311, 313, 701, and 702 of title 49, United States Code.

(2) HIGHWAY ACCOUNT.—The term “Highway Account” means the portion of the Highway Trust Fund that is not the Mass Transit Account.
(3) MASS TRANSIT ACCOUNT.—The term “Mass Transit Account” means the portion of the Highway Trust Fund established under section 9503(e)(1) of the Internal Revenue Code of 1986.

SEC. 203. REPEAL OF RESCISSION.

Section 1438 of the FAST Act (Public Law 114–94), and the item relating to such section in the table of contents in section 1(b) of such Act, are repealed.

SEC. 204. ADDITIONAL AUTHORIZATIONS.

(a) SURFACE TRANSPORTATION BLOCK GRANT PROGRAM.—

    (1) IN GENERAL.—In addition to the sums authorized under section 1101(a)(1) of the FAST Act (Public Law 114–94; 129 Stat. 1322), there is authorized to be appropriated for activities eligible under section 133(b)(1)(A) of title 23, United States Code—

        (A) $2,000,000,000 for fiscal year 2019;

        (B) $1,500,000,000 for fiscal year 2020;

        and

        (C) $1,000,000,000 for fiscal year 2021.

    (2) APPORTIONMENT.—Funds appropriated pursuant to this subsection shall be apportioned to the States in the same manner as if such funds were
provided under section 104(b)(2) of title 23, United States Code.

(3) SUBALLOCATION.—Funds appropriated pursuant to this subsection shall be allocated to areas within each State based on population in accordance with section 133(d) of title 23, United States Code.

(4) LIMITATION.—Section 133(h) of title 23, United States Code, shall not apply to funds appropriated pursuant to this subsection.

(5) TREATMENT.—Except as otherwise provided in this subsection, funds appropriated pursuant to this subsection shall be treated in the same manner as if provided under chapter 1 of title 23, United States Code.

(b) BUSES AND BUS FACILITIES GRANTS.—In addition to the amounts made available for buses and bus facilities competitive grants under section 5338(a)(2)(M) of title 49, United States Code, there is authorized to be appropriated for such grants—

1. $400,000,000 for fiscal year 2019;
2. $300,000,000 for fiscal year 2020; and
3. $200,000,000 for fiscal year 2021.

(c) NATIONALLY SIGNIFICANT FEDERAL LANDS AND TRIBAL PROJECTS PROGRAM.—Section 1123(h) of the
FAST Act (23 U.S.C. 201 note) is amended by striking “$100,000,000” and inserting “$300,000,000”.

(d) AUTHORIZATIONS OF GRANTS TO AMTRAK.—Section 11101 of the Passenger Rail Reform and Investment Act of 2015 (Public Law 114–94) is amended—

(1) in subsection (a)—

(A) in paragraph (4) by striking “$557,000,000” and inserting “$650,000,000”;

(B) in paragraph (5) by striking “$600,000,000” and inserting “$663,000,000”;

and

(C) by adding at the end the following:

“(6) For fiscal year 2021, $676,260,000.”; and

(2) in subsection (b)—

(A) in paragraph (4) by striking “$1,143,000,000” and inserting “$1,291,000,000”;

(B) in paragraph (5) by striking “$1,200,000,000” and inserting “$1,316,820,000”; and

(C) by adding at the end of subsection (b) the following:

“(6) For fiscal year 2021, $1,343,156,400.”.

(e) CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY IMPROVEMENTS.—Section 11102(a) of the Pas-
senger Rail Reform and Investment Act of 2015 (Public Law 114–94) is amended—

(1) in paragraph (4) by striking “$255,000,000” and inserting “$600,000,000”;

(2) in paragraph (5) by striking “$330,000,000” and inserting “$612,000,000”; and

(3) by adding at the end the following:

“(6) For fiscal year 2021, $624,240,000.”.

(f) Federal-State Partnership for State of Good Repair.—Section 11103(a) of the Passenger Rail Reform and Investment Act of 2015 (Public Law 114–94) is amended—

(1) in paragraph (4) by striking “$300,000,000” and inserting “$600,000,000”;

(2) in paragraph (5) by striking “$300,000,000” and inserting “$612,000,000”; and

(3) by adding at the end the following:

“(6) For fiscal year 2021, $624,240,000.”.

(g) Restoration and Enhancement Grants.—

Section 11104(a) of the Passenger Rail Reform and Investment Act of 2015 (Public Law 114–94) is amended by striking “$20,000,000 for each of fiscal years 2016 through 2020.” and inserting “the following amounts:

“(1) For fiscal year 2019, $25,000,000.

“(2) For fiscal year 2020, $25,500,000.
“(3) For fiscal year 2021, $26,010,000.”.

(h) **Amtrak Office of Inspector General.**—

Section 11105 of the Passenger Rail Reform and Investment Act of 2015 (Public Law 114–94) is amended by adding at the end the following:

“(6) For fiscal year 2021, $22,500,000.”.

(i) **Transportation of Hazardous Material.**—

Section 5128 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (4) by striking “and” at the end;

(B) in paragraph (5) by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(6) $62,000,000 for fiscal year 2021.”; and

(2) in subsections (b) through (d), by striking “2020” and inserting “2021” each place it appears.

**SEC. 205. NATIONALLY SIGNIFICANT FREIGHT AND HIGHWAYS PROJECTS.**

(a) **Notification of Grants Not Made.**—

(1) IN GENERAL.—Not later than 15 days after the date on which the Secretary of Transportation makes a grant for each of fiscal years 2019, 2020, and 2021 for a project under section 117 of title 23,
United States Code, the Secretary shall notify, in
writing, the Committee on Transportation and Infra-
structure of the House of Representatives and the
Committee on Environment and Public Works and
the Committee on Commerce, Science, and Trans-
portation of the Senate of any project eligible for a
grant under such section that was not selected to re-
ceive such a grant.

(2) CONTENTS.—A notification under this sub-
section shall include—

(A) a description of the project including—

   (i) the name of the associated project

   sponsor, including the name of any project

   sponsor that has contributed, or is ex-

   pected to contribute, a non-Federal share

   of the cost of such project;

   (ii) an estimate of the Federal, non-

   Federal, and total costs of such project;

   and

   (iii) an identification of the non-Fed-

   eral support that exists for such project;

   and

   (B) any evaluation of the project con-

   ducted by the Secretary.
(b) Authorization.—Of the sums authorized under section 1101(a)(5) of the FAST Act (Public Law 114–94; 129 Stat. 1323) for fiscal years 2019, 2020, and 2021, the Secretary shall reserve $200,000,000 in each such fiscal year for allocation by an Act of Congress.

(c) Allocation.—Sums reserved under subsection (b)—

(1) may only be allocated to a project included in the notification required under subsection (a); and

(2) shall remain available until expended.

Subtitle B—Water Resources

Sec. 211. WIFIA Reauthorization.

(a) Authority to Provide Assistance.—Section 5023 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 3902) is amended—

(1) by striking “pilot” each place it appears; and

(2) in subsection (b)(1), by inserting “provide financial assistance to” before “carry out”.

(b) Determination of Eligibility and Project Selection.—Section 5028(a)(1) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 3907(a)(1)) is amended by striking “2 rating agencies” each place it appears and inserting “1 rating agency”.

(c) SECURED LOANS.—Section 5029(b) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 3908(b)) is amended—

(1) in paragraph (2)(A), by striking “49 percent” and inserting “80 percent”;

(2) by amending paragraph (6) to read as follows:

“(6) NONSUBORDINATION.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), a secured loan under this section shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor of the project.

“(B) PREEXISTING INDENTURE.—The Secretary or the Administrator, as applicable, may waive the requirement under subparagraph (A) for an obligor that is financing ongoing capital programs and has outstanding senior bonds under a preexisting indenture, if—

“(i) the secured loan is rated in the AA category or higher; and

“(ii) the secured loan is secured and payable from pledged revenues not affected by project performance, such as a tax-
backed revenue pledge or a system-backed pledge of project revenues, or by a general obligation pledge of a State or municipality.”; and

(3) in paragraph (10), by striking “51 percent” and inserting “20 percent”.

(d) PROGRAM ADMINISTRATION.—Section 5030 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 3909) is amended by redesignating subsection (e) as subsection (f) and inserting after subsection (d) the following:

“(e) AGREEMENTS.—

“(1) IN GENERAL.—The Secretary may enter into an agreement with the Administrator to assist the Secretary in administering and servicing the Federal credit instruments made available under this subtitle.

“(2) DUTIES.—The Administrator may act as an agent for the Secretary, subject to the terms of any agreement established by the Secretary and the Administrator under paragraph (1).

“(3) TRANSFER OF FUNDS.—The Secretary may transfer funds appropriated pursuant to section 5033 to the Administrator to carry out an agreement entered into under paragraph (1).
“(4) LIMITATION.—Nothing in this subsection affects the authority of the Administrator with respect to the selection of projects described in paragraphs (1), (8), or (10) of section 5026 to receive financial assistance under this subtitle.”.

(e) FUNDING.—

(1) IN GENERAL.—Section 5033(a) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 3912(a)) is amended—

(A) in paragraph (4), by striking “; and” and inserting a semicolon;

(B) in paragraph (5), by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(6) $50,000,000 for each of fiscal years 2020 through 2024.”.

(2) ADMINISTRATIVE COSTS.—Section 5033(b) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 3912(b)) is amended—

(A) by striking “the Secretary or the Administrator, as applicable, may use” and inserting “the Secretary and the Administrator may each use”; and

(B) by striking “$2,200,000 for each of fiscal years 2015 through 2019” and inserting
“$6,000,000 for each of fiscal years 2019 through 2024”.

(3) **STATE INFRASTRUCTURE FINANCING AUTHORITY PROJECTS.**—Section 5033 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 3912) is amended by redesignating subsection (d) as subsection (e) and inserting after subsection (c) the following:

“(d) **STATE INFRASTRUCTURE FINANCING AUTHORITY PROJECTS.**—

“(1) **ADDITIONAL ASSISTANCE.**—The Administrator may use funds made available to carry out this subtitle for costs related to processing and reviewing an application from a State infrastructure financing authority for a project described in section 5026(9) (including costs related to underwriting) that would otherwise be charged to the State infrastructure financing authority.

“(2) **NO DUPLICATE REVIEWS REQUIRED.**—For any environmental or engineering review required by law with respect to a project described in section 5026(9) for which the eligible entity is a State infrastructure financing authority, which has been completed by the eligible entity prior to applying for assistance under this subtitle, the Administrator may
not require the eligible entity to carry out a duplicate environmental or engineering review as a condition of receiving such assistance.

“(3) Expedited review of applications.—
Not later than 180 days after the date on which the Administrator receives a complete application for a project described in section 5026(9) from a State infrastructure financing authority, the Administrator shall, through a written notice to the State infrastructure financing authority—

“(A) approve the application; or

“(B) deny the application and provide an explanation as to why the application was denied.”.

(4) Additional funding.—Subsection (e) of section 5033 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 3912), as so redesignated, is amended by striking “49 percent” and inserting “80 percent”.

(f) Reports on pilot program implementation.—Section 5034 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 3913) is amended—

(1) in the section heading, by striking “PILOT”; and
in subsection (b)(1), by striking “4 years after the date of enactment of this Act” and inserting “3 years after the date of enactment of the Act of 2018”.

SEC. 212. TECHNICAL ASSISTANCE FOR RURAL AND SMALL TREATMENT WORKS.

(a) TECHNICAL ASSISTANCE.—Section 104(b) of the Federal Water Pollution Control Act (33 U.S.C. 1254(b)) is amended—

(1) by striking “and” at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting “; and”;

(3) by adding at the end the following:

“(8) make grants to nonprofit organizations—

“(A) to provide technical assistance to rural, small, and tribal municipalities for the purpose of assisting, in consultation with the State in which the assistance is provided, such municipalities and tribal governments in the planning, developing, and acquisition of financing for eligible projects described in section 603(c);

“(B) to provide technical assistance and training for rural, small, and tribal publicly
owned treatment works and decentralized wastewater treatment systems to enable such treatment works and systems to protect water quality and achieve and maintain compliance with the requirements of this Act; and

“(C) to disseminate information to rural, small, and tribal municipalities and municipalities that meet the affordability criteria established under section 603(i)(2) by the State in which the municipality is located with respect to planning, design, construction, and operation of publicly owned treatment works and decentralized wastewater treatment systems.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 104(u) of the Federal Water Pollution Control Act (33 U.S.C. 1254(u)) is amended—

(1) by striking “and (6)” and inserting “(6)”;

and

(2) by inserting before the period at the end the following: “; and (7) not to exceed $25,000,000 for each of fiscal years 2019 through 2023 for carrying out subsections (b)(3), (b)(8), and (g), except that not less than 20 percent of the amounts appropriated pursuant to this paragraph in a fiscal year shall be used for carrying out subsection (b)(8)”.

SEC. 213. STATE MANAGEMENT ASSISTANCE.

(a) Authorization of Appropriations.—Section 106(a) of the Federal Water Pollution Control Act (33 U.S.C. 1256(a)) is amended—

(1) by striking “and” at the end of paragraph (1);

(2) by striking the semicolon at the end of paragraph (2) and inserting “; and”;

(3) by inserting after paragraph (2) the following:

“(3) such sums as may be necessary for each of fiscal years 1991 through 2018, and $300,000,000 for each of fiscal years 2019 through 2023;”.

(b) Technical Amendment.—Section 106(e) of the Federal Water Pollution Control Act (33 U.S.C. 1256(e)) is amended by striking “Beginning in fiscal year 1974 the” and inserting “The”.

SEC. 214. WATERSHED PILOT PROJECTS.

Section 122(c) of the Federal Water Pollution Control Act (33 U.S.C. 1274(c)) is amended to read as follows:

“(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2019 through 2023.”.
SEC. 215. NONPOINT SOURCE MANAGEMENT PROGRAMS.

Section 319(j) of the Federal Water Pollution Control Act (33 U.S.C. 1329(j)) is amended by striking “$70,000,000” and all that follows through “fiscal year 1991” and inserting “$200,000,000 for each of fiscal years 2019 through 2023”.

SEC. 216. STATE WATER POLLUTION CONTROL REVOLVING FUNDS.

(a) CAPITALIZATION GRANT AGREEMENTS.—Section 602(b) of the Federal Water Pollution Control Act (33 U.S.C. 1382(b)) is amended—

(1) in paragraph (13)(B)(iii), by striking “; and” and inserting a semicolon;

(2) in paragraph (14), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(15) the State will use at least 10 percent of the amount of each capitalization grant received by the State under this title after September 30, 2018, to provide assistance to municipalities of fewer than 10,000 individuals that meet the affordability criteria established by the State under section 603(i)(2) for projects or activities included on the State’s priority list under section 603(g), to the extent that there are sufficient applications for such assistance.”.
(b) AUTHORIZATION OF APPROPRIATIONS.—Section 607 of the Federal Water Pollution Control Act (33 U.S.C. 1387) is amended—

(1) in paragraph (4), by striking “; and” and inserting a semicolon;

(2) in paragraph (5), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(6) $3,000,000,000 for each of fiscal years 2019 through 2023.”.

c) TECHNICAL ASSISTANCE.—Title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) is amended by adding at the end the following:

“SEC. 609. TECHNICAL ASSISTANCE.

“(a) SIMPLIFIED PROCEDURES.—Not later than 1 year after the date of enactment of this section, the Administrator shall assist the States in establishing simplified procedures for treatment works to obtain assistance under this title.

“(b) PUBLICATION OF MANUAL.—Not later than 2 years after the date of the enactment of this section, and after providing notice and opportunity for public comment, the Administrator shall publish a manual to assist treatment works in obtaining assistance under this title and
publish in the Federal Register notice of the availability of the manual.”

SEC. 217. HARBOR MAINTENANCE TRUST FUND DISCRETIONARY SPENDING LIMIT ADJUSTMENT.

Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following:

“(G) HARBOR MAINTENANCE TRUST FUND.—

“(i) IN GENERAL.—If a bill or joint resolution making appropriations for a fiscal year is enacted that specifies amounts for harbor maintenance activities, then the adjustments for that fiscal year shall be the total of such appropriations provided in that Act for such activities for that fiscal year, but shall not exceed the aggregate of amounts appropriated, transferred, or credited to the Harbor Maintenance Trust Fund under section 9505(a) of the Internal Revenue Code of 1986 for the fiscal year before the current year.

“(ii) HARBOR MAINTENANCE ACTIVITIES.—The term ‘harbor maintenance activities’ means the total amount made
available by appropriations Acts from the Harbor Maintenance Trust Fund for a fiscal year for making expenditures under section 9505(c) of the Internal Revenue Code of 1986.”.

Subtitle C—Economic Development

SEC. 221. ECONOMIC DEVELOPMENT ADMINISTRATION AUTHORIZATION.

Section 701(a)(5) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3231(a)(5)) is amended by inserting “and for each of fiscal years 2019 through 2023” before the period at the end.

TITLE III—INNOVATIVE PROJECT FINANCE

SEC. 301. AUTHORIZATION FOR CREDIT RISK PREMIUM PAYMENTS FOR RAILROAD REHABILITATION AND IMPROVEMENT FINANCING.

There are authorized to be appropriated to the Secretary of Transportation for the cost of direct loans and loan guarantees pursuant to sections 501 through 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801 et seq.) the following amounts:

(1) For fiscal year 2019, $50,000,000.

(2) For fiscal year 2020, $51,000,000.

(3) For fiscal year 2021, $52,020,000.
SEC. 302. PUBLIC BUILDINGS PUBLIC-PRIVATE PARTNER- 
SHIP PILOT PROGRAM.

(a) In General.—Chapter 33 of title 40, United States Code is amended by adding at the end the fol-
lowing:

“§ 3318. Public buildings public-private partnership pilot program.

“(a) Establishment.—The Administrator shall carry out a pilot program to enter into public-private part-
nerships to acquire public buildings pursuant to the re-
quirements of this section.

“(b) Identification of Projects.—Not later than 1 year after the date of enactment of this section, the Ad-
ministrator shall identify not less than 3 and not more than 5 projects for acquiring space for the purposes of public buildings using public-private partnerships.

“(c) Submission of Prospectuses.—Not later than 2 years after the date of enactment of this section, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Rep- resentatives and the Committee on Environment and Pub-
lic Works of the Senate prospectuses, in accordance with section 3307 for each project identified under subsection (b).

“(d) Commencement.—Subject to the availability of appropriations, a project submitted under subsection (c)
that is authorized pursuant to section 3307 shall com-

mence not later than 1 year after the date on which such
authorization occurs.

“(e) EXPERTS AND CONSULTANTS.—

“(1) GSA PERSONNEL.—In carrying out the
pilot program the Administrator shall identify and
use General Services Administration personnel with
knowledge and experience in complex real estate
transactions.

“(2) CONTRACTED SERVICES.—The Adminis-
trator shall, to the extent practicable and subject to
appropriations Acts, use contracts, including non-
appropriated contracts, for services necessary to
carry out this section.

“(f) COMPLIANCE WITH BUDGETARY RULES.—For
budgetary scorekeeping purposes, a project carried out
under this section shall be treated in a manner consistent
with the requirements for scoring a leaseback from a pub-
lic-private partnership under Appendix B of Circular A–
11 of the Office of Management and Budget, as of the
date of enactment of this section.

“(g) GAO STUDY.—Not later than 1 year after the
occupancy of projects authorized under this section, the
Comptroller General of the United States shall conduct
a review of such projects and submit to the Committee
on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that includes—

“(1) a review and evaluation of the public-private partnerships executed under this section and a comparison of such agreements to similar projects completed as Government construction, including a comparison of timetables and costs; and

“(2) any recommendations on the use of public-private partnerships as options for meeting Federal Government space needs.

“(h) DEFINITIONS.—In this section, the following definitions apply:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of General Services.

“(2) PUBLIC BUILDING.—The term ‘public building’ has the meaning given the term in section 3301.

“(3) PUBLIC-PRIVATE PARTNERSHIP.—The term ‘public-private partnership’ means a real property agreement for the purposes of providing office space for the Federal Government that meets the following criteria:
“(A) The agreement includes a ground-lease to a non-Federal party with a subsequent lease back of the improvements.

“(B) The entity that is the lessor of the leaseback of improvements is entirely non-Federal.

“(C) The leaseback meets the criteria for an operating lease under Appendix B of Circular A–11 of the Office of Management and Budget, as of the date of enactment of this section.”.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 33 of title 40, United States Code, is amended by adding at the end the following:

“3318. Public buildings public-private partnership pilot program.”.

SEC. 303. FEDERAL CAPITAL REVOLVING FUND.

(a) PURPOSE.—The purpose of this section is to improve how the Federal Government budgets for expensive federally owned civilian facilities by making two basic innovations to traditional budgeting—

(1) create a mandatory revolving fund to pay the upfront cost of acquiring expensive facilities so that the acquisition costs do not compete with smaller purchases and operating expenses for funding under the discretionary spending limits; and
(2) require agencies to use discretionary appropriations to replenish the revolving fund over several years as they use facilities to meet their Federal mission needs.

(b) DEFINITIONS.—In this section, the following definitions apply:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of General Services.

(2) AGENCY.—The term “agency” means any of the agencies listed in section 901(b) of title 31, United States Code, except that the term does not include the Department of Defense.

(3) DIRECTOR.—The term “Director” means the Director of the Office of Management and Budget.

(4) DISCRETIONARY APPROPRIATIONS; DIRECT SPENDING.—The terms “discretionary appropriations” and “direct spending” have the meanings given such terms in section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(5) FEDERAL FACILITY.—The term “Federal facility” means any interest in land, together with the improvements, structures, and fixtures located thereon having a useful life of at least 25 years and
in which Federal personnel perform the agency mission.

(6) FUND.—The term “Fund” means the Federal Capital Revolving Fund established pursuant to subsection (c).

(7) PROJECT.—The term “project” means—

(A) a Federal facility acquired by an agency for its use (including site, design, management and inspection, construction, and commissioning) whether by purchase, construction, manufacture, lease-purchase, installment purchase, outlease-leaseback, exchange, or modernization by renovation; which may include purchases of associated furniture, fixtures, and equipment necessary to furnish the Federal facility for initial occupancy; and

(B) a one-time administrative fee, to be paid to the Administrator, of .03 percent of the total costs associated with subparagraph (A), with a combined total cost of at least $250,000,000. The term excludes items acquired for resale in the ordinary course of operations, consumable goods such as operating materials and supplies, normal maintenance and repair of real property, salaries and other oper-
ating expenses of agencies, grants to non-Federal entities, tax incentives, Federal credit assistance provided to non-Federal entities, and capital leases pursuant to which title does not automatically pass to the Government.

(8) Purchase Transfer.—The term “purchase transfer” means an amount approved by an appropriations Act to be transferred from the Fund, to remain available until expended, to pay for the costs of a project. The amount must be sufficient to pay for the full costs, at a minimum, of a usable segment of a Federal facility and the administrative fee.

(9) Purchasing Agency.—The term “purchasing agency” means a landholding agency that has existing real property authorities to acquire a Federal facility and carry out projects as defined by this section pursuant to such authorities and that receives a purchase transfer from the Fund to pay the full costs of a project.

(c) Establishment of Federal Capital Revolving Fund.—There is hereby established in the Treasury a Federal Capital Revolving Fund to pay for the costs of projects approved pursuant to this section, subject to the following requirements:
(1) Administration of Fund.—The Fund shall be subject to the supervision and management of the Administrator in accordance with this section.

(2) Permissible Uses.—Amounts in the Fund are available only for transfer to purchasing agencies to pay for the costs of approved projects.

(3) Prior Approval of Purchase Transfers.—Amounts in the Fund shall be transferred to a purchasing agency to pay for the costs of a project if—

   (A) a purchase transfer to fund the project is approved in advance by an appropriations Act;

   (B) the purchasing agency has received an appropriation for the first repayment amount and has made the first repayment to the Fund; and

   (C) the project is designated by Congress in statute or, in the case of the Administrator, is authorized pursuant to section 3307 of title 40, United States Code, as an approved project.

(4) Purchase Transfer Limit.—Notwithstanding the amount approved by an appropriations Act for a purchase transfer, if the amount available to the purchasing agency for the first repayment
amount is less than the amount required by sub-
section (e)(3), the amount transferred from the
Fund shall be equal to the product of the first re-
payment amount and the number of years in the re-
payment period.

(5) **HIGHER PROJECT COST**.—If a purchase
transfer from the Fund is approved by an appropria-
tions Act, but the approved amount is insufficient to
pay the full costs of the project, then no amounts in
excess of the approved amount may be transferred
from the Fund to the purchasing agency for the dif-
ference between the approved amount and the full
costs of the project unless—

(A) such amounts in excess are approved
in advance by an appropriations Act; and

(B) the purchasing agency has received an
appropriation of an additional amount for the
adjustment to the repayment amount, cal-
culated pursuant to subsection (e)(3)(C) and
has paid such additional amount to the Fund.

(6) **ANNUAL LIMITATION ON TOTAL PURCHASE
TRANSFERS**.—Total new purchase transfers ap-
proved in appropriations Acts may not exceed
$2,500,000,000 per year plus any cumulative unused
limitation in prior fiscal years.
(7) Excess Purchase Transfer Amounts.—

If for any year the sum of approved purchase transfers exceeds the amounts available in the Fund or the annual limitation specified in paragraph (6), each transfer amount approved by such appropriations Acts shall be reduced by a uniform percentage calculated by the Administrator such that the excess is eliminated, and the Administrator shall not transfer more than the reduced purchase transfer amount calculated for each project.

(8) Payment of One-Time Administrative Fee.—Upon receipt of the purchase transfer, the purchasing agency shall pay the Administrator from the purchase transfer the applicable one-time administrative fee.

(d) Funding.—

(1) In General.—The following amounts are authorized to be appropriated for deposit into the Fund:

(A) $10,000,000,000, to capitalize the Fund.

(B) Repayment amounts received from a purchasing agency.
(2) AVAILABILITY OF FUNDS.—Amounts deposited into the Fund shall remain available until expended.

(e) REPAYMENTS BY PURCHASING AGENCIES.—

(1) REQUIREMENT TO REPAY FUND.—Purchase transfers from the Fund to pay for the costs of an approved project shall not be made unless the purchasing agency enters into an agreement with the Administrator, in writing, to repay the Fund consistent with this section. An appropriation provided by Congress to a purchasing agency consistent with this section for repayment to the Fund for any year shall constitute a legal obligation of the purchasing agency in that year for repayment to the Fund equal to the repayment amount available for that year.

(2) REPAYMENT PERIOD.—To recapitalize the Fund, each purchasing agency shall, subject to appropriation, make annual repayments to the Fund for any approved project over a period agreed to by the purchasing agency and the Administrator, but not to exceed 15 years, beginning in the year that the project is approved by an appropriations Act and the first repayment is appropriated.

(3) REPAYMENT AMOUNT.—
(A) **In general.**—The annual repayment amount to recapitalize the Fund shall be a level amount equal to the purchase transfer divided by the number of years in the repayment period.

(B) **Timing of repayments.**—Each repayment amount shall be paid to the Fund in the year for which it is appropriated.

(C) **Adjustments to repayment amounts.**—After the first repayment amount for a project is paid to the Fund, the Administrator shall adjust each remaining repayment amount by a uniform amount so that the sum of the repayment amounts, including repayment amounts already paid to the Fund, equals the actual cost of the project, in any case in which—

(i) the actual cost is less than the purchase transfer from the Fund;

(ii) the actual cost is higher than the purchase transfer and an additional purchase transfer for the difference has been approved in advance in an appropriations Act;
(iii) repayments by the purchasing agency exceed the annual repayment amount; or

(iv) the purchase transfer amount is reduced under subsection (c)(7).

(4) DISPOSITION OF PROJECT.—The following requirements apply to the disposition of any project that is funded by a purchase transfer:

(A) APPLICABLE AUTHORITIES.—Disposition of the project shall be accomplished in accordance with any applicable authorities.

(B) SPECIAL RULE FOR DISPOSITION.—If the disposition of the project occurs before the purchasing agency has completely repaid the Fund, the purchasing agency shall, subject to appropriation, continue to make repayments until the Fund is fully repaid.

(C) SALE PROCEEDS.—If the disposition of the project results in the receipt of sale proceeds, such receipts shall be available—

(i) first, to the purchasing agency to pay any remaining unpaid repayment amounts owed by the purchasing agency for the project; and
(ii) second, to the purchasing agency, or to the General Services Administration
in the case of a project held in the General Services Administration inventory, to sup-
port authorized real property activities ex-
cluding operations and maintenance.

Such receipts shall be available until expended, without further appropriation, and may be de-
posited in any account of the applicable agency that is available for the purposes described in clauses (i) and (ii).

(5) Change in Need for Or Condition of Asset.—Any change in the purchasing agency’s mission need for the project or in the condition of the project does not alter the repayment require-
ments in this subsection.

(f) Transfers Between Fund and Purchasing Agencies.—

(1) Expenditure Transfers.—All purchase transfers to purchasing agencies, payments of the one-time administrative fee, and transfers of repay-
ment amounts to the Fund shall be expenditure transfers and shall be recorded as such.

(2) Availability and Purpose.—Subject to paragraph (3), purchase transfers to purchasing
agencies shall remain available until expended solely
to pay for the costs of approved projects and may
not be transferred or reprogrammed for any other
purpose.

(3) RETURN OF UNUSED PURCHASE TRANSFER
AMOUNTS.—Any portion of a purchase transfer that
is not necessary to pay for the total cost of a project
shall be returned to the Fund as follows:

(A) Unobligated purchase transfer
amounts shall be returned to the Fund only
after the Federal facility is substantially com-
plete and within the 2-year period after the
date on which the most recent outlay of pur-
chase transfer funds by the agency occurred.

(B) If, after the return of the unused pur-
chase transfer amounts pursuant to subpara-
graph (A) occurs, there is an upward adjust-
ment to a previously incurred project obligation,
the Fund shall provide an expenditure transfer
for such upward adjustment to the appropriate
agency account of the lower of the amount re-
turned pursuant to subparagraph (A) and the
amount of the upward adjustment to the pre-
viously incurred obligation.
(g) BUDGET ENFORCEMENT.—The following rules shall apply to budget enforcement under the Congressional Budget Act of 1974, the Balanced Budget and Emergency Deficit Control Act of 1985, and the Statutory Pay-As-You-Go Act of 2010.

(1) DIRECT SPENDING.—Provisions of appropriations Acts approving purchase transfers from the Fund to purchasing agencies and collections by the Fund of repayments from purchasing agencies, shall be considered direct spending and shall not be included in the estimates under section 251(a)(7) of the Balanced Budget and Emergency Deficit Control Act of 1985 or considered budgetary effects for the purposes of section 3(4) of the Statutory Pay-As-You-Go Act of 2010.

(2) DISCRETIONARY APPROPRIATIONS.—Appropriations to purchasing agencies for annual repayments to the Fund shall be considered discretionary appropriations and shall be scored in the year for which such appropriations are made available by an appropriations Act.

(3) CHANGES TO FUND BALANCE.—Any provision enacted in an appropriations Act that—

(A) rescinds or precludes from obligation balances in the Fund;
(B) rescinds or precludes from obligation balances of approved purchase transfers; or

(C) reduces the annual limitation on total purchase transfers in subsection (c)(6),

shall be considered budgetary effects for purposes of the Statutory Pay-As-You-Go Act of 2010 and shall not be included in the estimates under section 251(a)(7) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) FAILURE TO APPROPRIATE REPAYMENTS.—

If a bill making appropriations for a fiscal year provides a first repayment amount for an approved project and such appropriations bill for a subsequent fiscal year during the repayment period fails to provide the repayment amount required for that fiscal year, an amount equal to the required repayment, calculated pursuant to subsection (e)(3), shall nevertheless be included in the estimates under section 251(a)(7) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(5) TRANSFERS AND REPROGRAMMING.—If, notwithstanding subsection (f)(2), a provision in an appropriations Act authorizes or requires—
(A) a transfer of balances in the Fund for any purpose other than to cover the costs of projects approved pursuant to this section; or

(B) a purchasing agency to transfer or re-program a purchase transfer for a purpose other than paying the costs of projects approved pursuant to this section,

such amount shall be included in the estimates of discretionary appropriations under section 251(a)(7) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(h) REQUIREMENTS FOR PROJECTS TO BE HELD IN THE GSA INVENTORY.—In addition to any other existing requirements in law, the requirements in this subsection shall apply only to any purchase transfer to a purchasing agency that acquires real property space and services through the General Services Administration. This section neither provides new real property landholding or landmanaging authority to such purchasing agency nor otherwise affects any agency’s existing real property landholding or landmanaging authority.

(i) APPROVED PROJECTS.—If an appropriations Act approves a purchase transfer to a purchasing agency other than the General Services Administration for the costs of a project to be held in the inventory of the General Serv-
ices Administration, the following requirements shall apply:

(1) **Purchase Transfer Amount.**—The purchasing agency shall immediately pay the purchase transfer amount, excluding any amount included for furniture, fixtures, and equipment, to the Administrator for deposit into the Federal Buildings Fund.

(2) **Limitation.**—The Administrator shall use such purchase transfer only to pay the costs of the approved project and the Administrator shall not charge a fee beyond the one-time administrative fee for the execution of the project.

(3) **Custody and Control.**—The project shall be under the custody and control of the Administrator.

(4) **Annual Repayments.**—The purchasing agency shall continue to be responsible for making annual repayments to the Fund in accordance with subsection (e)(2).

**SEC. 304. REENACTMENT OF COAST GUARD HOUSING AUTHORITIES.**

(a) **In General.**—Chapter 18 of title 14, United States Code, is amended as follows:

(1) By inserting after section 681 the following:
§ 682. Direct loans and loan guarantees

(a) DIRECT LOANS.—

(1) Subject to subsection (c), the Secretary may make direct loans to an eligible entity in order to provide funds to the eligible entity for the acquisition or construction of housing units that the Secretary determines are suitable for use as military family housing or as military unaccompanied housing.

(2) The Secretary shall establish such terms and conditions with respect to loans made under this subsection as the Secretary considers appropriate to protect the interests of the United States, including the period and frequency for repayment of such loans and the obligations of the obligors on such loans upon default.

(b) LOAN GUARANTEES.—

(1) Subject to subsection (c), the Secretary may guarantee a loan made to any person in the private sector if the proceeds of the loan are to be used by the person to acquire, or construct housing units that the Secretary determines are suitable for use as, military family housing or military unaccompanied housing.
“(2) The amount of a guarantee of a loan that may be provided under paragraph (1) may not exceed the amount equal to the lesser of—

“(A) 80 percent of the value of the project;

or

“(B) the outstanding principal of the loan.

“(3) The Secretary shall establish such terms and conditions with respect to guarantees of loans under this subsection as the Secretary considers appropriate to protect the interests of the United States, including the rights and obligations of the United States with respect to such guarantees.

“(4) The funds for the loan guarantees entered into under this section shall be held in the Coast Guard Housing Fund under section 687. The Secretary may purchase mortgage insurance to guarantee loans in lieu of guaranteeing loans directly against funds held in the Coast Guard Housing Fund.

“(e) LIMITATION ON AUTHORITY.—Direct loans and loan guarantees may be made under this section only to the extent that appropriations of budget authority to cover their cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) are made in advance, or authority is otherwise provided in appro-
priations Acts. If such appropriation or other authority is provided, there may be established a financing account (as defined in section 502(7) of such Act (2 U.S.C. 661a(7))) that shall be available for the disbursement of payment of claims for payment on loan guarantees under this section and for all other cash flows to and from the Government as a result of guarantees made under this section.

“§ 683. Leasing of housing to be constructed

“(a) Build and Lease Authorized.—The Secretary may enter into contracts for the lease of military family housing units or military unaccompanied housing units to be constructed under this chapter.

“(b) Lease Terms.—A contract under this section may be for any period that the Secretary determines appropriate and may provide for the owner of the leased property to operate and maintain the property.

“§ 684. Limited partnerships with eligible entities

“(a) Limited Partnerships Authorized.—The Secretary may enter into limited partnerships with eligible entities carrying out projects for the acquisition or construction of housing units suitable for use as military family housing or as military unaccompanied housing.

“(b) Limitation on Value of Investment in Limited Partnership.—
“(1) The cash amount of an investment under this section in an eligible entity may not exceed an amount equal to 33 1/3 percent of the capital cost (as determined by the Secretary) of the project or projects that the entity proposes to carry out under this section with the investment.

“(2) If the Secretary conveys land or facilities to an eligible entity as all or part of an investment in the entity under this section, the total value of the investment by the Secretary under this section may not exceed an amount equal to 45 percent of the capital cost (as determined by the Secretary) of the project or projects that the entity proposes to carry out under this section with the investment.

“(3) In this subsection the term ‘capital cost’, with respect to a project for the acquisition or construction of housing, means the total amount of the costs included in the basis of the housing for Federal income tax purposes.

“(c) Collateral Incentive Agreements.—The Secretary shall enter into collateral incentive agreements with eligible entities in which the Secretary makes an investment under this section to ensure that a suitable preference will be afforded members of the Armed Forces and their dependents in the lease or purchase, as the case may
be, of a reasonable number of the housing units covered by the investment.’’.

(2) By inserting after section 685 the following:

“§ 686. Assignment of members of the Armed Forces to housing units

“(a) IN GENERAL.—The Secretary may assign members of the Armed Forces to housing units acquired or constructed under this chapter.

“(b) EFFECT OF CERTAIN ASSIGNMENTS ON ENTITLEMENT TO HOUSING ALLOWANCES.—

“(1) Except as provided in paragraph (2), housing referred to in subsection (a) shall be considered as quarters of the United States or a housing facility under the jurisdiction of a uniformed service for purposes of section 403(e) of title 37.

“(2) A member of the Armed Forces who is assigned in accordance with subsection (a) to a housing unit not owned or leased by the United States shall be entitled to a basic allowance for housing under section 403 of title 37.

“(c) LEASE PAYMENTS THROUGH PAY ALLOTMENTS.—The Secretary may require members of the Armed Forces who lease housing in housing units acquired or constructed under this chapter to make lease payments
for such housing pursuant to allotments of the pay of such
members under section 701 of title 37.”.

(3) By inserting after section 687 the following:

“§ 687a. Differential lease payments

“Pursuant to an agreement entered into by the Sec-
retary and a lessor of military family housing or military
unaccompanied housing to members of the Armed Forces,
the Secretary may pay the lessor an amount, in addition
to the rental payments for the housing made by the mem-
ers, as the Secretary determines appropriate to encour-
age the lessor to make the housing available to members
of the Armed Forces as military family housing or as mili-
tary unaccompanied housing.”.

(b) Clerical Amendment.—The analysis at the be-
beginning of such chapter is amended—

(1) by inserting after the item relating to sec-
tion 681 the following:

“682. Direct loans and loan guarantees.
“683. Leasing of housing to be constructed.
“684. Limited partnerships with eligible entities.”;

(2) by inserting after the item relating to sec-
tion 685 the following:

“686. Assignment of members of the Armed Forces to housing units.”; and

(3) by inserting after the item relating to sec-
tion 687 the following:

“687a. Differential lease payments.”.
TITLE IV—ACCELERATING PROJECT DELIVERY

SEC. 401. ONE FEDERAL DECISION.

Section 116(f) of title 49, United States Code, is amended—

(1) in paragraph (1) by striking “carried out under the programs referred to in subsection (d)(1)”;

(2) in paragraph (3) by striking “project under a program referred to in subsection (d)(1)” and inserting “specified project that requires approval by the Department”; and

(3) by adding at the end the following:

“(4) TWO-YEAR TIMETABLES.—The Bureau, in coordination with the appropriate modal administrations within the Department and with other Federal agencies, shall ensure that a record of decision is issued for a specified project that requires approval by the Department not later than 2 years after the date on which a notice of intent is published pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(5) PERMITTING DASHBOARD.—The Bureau, in coordination with the appropriate modal administrations within the Department, shall carry out the
activities required under section 139(o) of title 23, relating to the Permitting Dashboard established under section 41003(b) of the FAST Act (42 U.S.C. 4370m–2(b)).

“(6) DEFINITIONS.—In this subsection, the following definitions apply:

“(A) SPECIFIED PROJECT.—The term ‘specified project’ means a highway project, public transportation capital project, airport project, intercity rail passenger or freight rail project, port project (including inland port and a land port of entry), or multimodal specified project.

“(B) MULTIMODAL SPECIFIED PROJECT.—The term ‘multimodal specified project’ means a specified project involving the participation of more than 1 modal administration or secretarial office within the Department.”.

SEC. 402. APPLICATION OF CATEGORICAL EXCLUSIONS FOR TRANSPORTATION PROJECTS.

(a) IN GENERAL.—Section 304 of title 49, United States Code, is amended—

(1) in the section heading, by striking “MULTIMODAL” and inserting “TRANSPORTATION”;}
(2) in subsection (a)(1), by striking “secretarial office” and inserting “secretarial office or the Surface Transportation Board”;

(3) in subsection (a)(2), by striking “secretarial office” and inserting “secretarial office or the Surface Transportation Board”;

(4) by inserting after subsection (a)(3) the following:

“(4) PROJECT.—The term ‘project’ means any highway project, public transportation capital project, airport project, intercity rail passenger or freight rail project, port project (including inland port and a land port of entry), or multimodal project.”;

(5) in the heading for subsection (c), by striking “MULTIMODAL” and inserting “TRANSPORTATION”; and

(6) in subsections (a)(1), (a)(2), (b), (c), and (d), by striking “multimodal” each place it appears.

(b) CLERICAL AMENDMENT.—The analysis for chapter 3 of such title is amended by striking the item relating to section 304 and inserting the following:

“304. Application of categorical exclusions for transportation projects.”.
SEC. 403. PILOT PROGRAM ON USE OF INNOVATIVE PRACTICES FOR ENVIRONMENTAL REVIEWS.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) ENVIRONMENTAL REVIEW PROCESS.—The term “environmental review process” has the meaning given such term in section 139(a) of title 23, United States Code.

(2) PARTICIPATING AGENCY.—The term “participating agency” means a Federal agency, other than the Department of Transportation, with an approval or consultation role in the environmental review process for a project.

(3) PROJECT.—The term “project” means any highway project, public transportation capital project, airport project, intercity passenger or freight rail project, port project (including inland port and a land port of entry), or multimodal project that, if implemented as proposed by the project sponsor, would require approval by any operating administration or secretarial office within the Department of Transportation.

(4) PROJECT SPONSOR.—The term “project sponsor” has the meaning given such term in section 139(a) of title 23, United States Code.

(b) ESTABLISHMENT.—
I N GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall establish a pilot program to assess the use of innovative practices in the environmental review process of a project.

(2) INNOVATIVE PRACTICES.—An innovative practice includes—

(A) integrating environmental planning or other techniques involving consideration of multiple resources on a watershed or ecosystem scale;

(B) improving environmental mitigation and enhancement measures that will result in a substantial improvement over existing conditions in an ecosystem or watershed;

(C) using innovative technologies that enable more effective public participation in decisionmaking; and

(D) focusing on environmental and transportation outcomes rather than processes.

(c) FLEXIBILITY.—Notwithstanding any other provision of law, the Secretary may waive any requirement under any Federal law or regulation concerning the environmental review process for a project if—
(1) the head of a participating agency concurs;

and

(2) the Secretary and the head of a participating agency determine that waiving such law or regulation is reasonably expected to—

(A) facilitate the use of an innovative practice described in subsection (b)(2); and

(B) result in equal or better environmental outcomes had such law or regulation not been waived.

(d) ELIGIBILITY.—

(1) PROJECT CAP.—The Secretary may select not more than 15 projects to participate in the pilot program established under this section.

(2) STATUS OF ENVIRONMENTAL REVIEW PROCESS.—A project is eligible for selection if, at the time of selection, the environmental review process has not been initiated for such project.

(e) ELIGIBLE APPLICANT.—An eligible applicant is any project sponsor.

(f) APPLICATION PROCESS.—

(1) IN GENERAL.—An applicant shall submit a written application in a form prescribed by the Secretary.
(2) REVIEW.—The Secretary, in coordination with the head of a participating agency, shall review applications for participation in the pilot program.

(3) APPROVAL OR DENIAL.—The Secretary, in coordination with the head of a participating agency, shall approve or deny the application, or approve the application with conditions.

(g) TERMINATION.—The Secretary may terminate the participation of a project in the pilot program if the Secretary, in coordination with the head of a participating agency, determines that—

(1) the project sponsor is no longer in compliance with any conditions imposed under subsection (f)(3), if applicable; and

(2) regardless of the applicability of paragraph (1), termination is in the public interest.

(h) REPORT.—

(1) IN GENERAL.—Not later than 3 years after the date on which the Secretary first approves an application for a project for the pilot program, the Secretary, in consultation with any participating agency involved in a project for the pilot program, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives
and the Committee on Environment and Public Works of the Senate a report on the pilot program.

(2) CONTENTS.—The report described in paragraph (1) shall—

(A) identify each project and the innovative practices used for such project; and

(B) summarize any lessons learned from the use of innovative practices on such projects.

SEC. 404. SECTION 401 CERTIFICATION REFORM.

Section 401(d) of the Federal Water Pollution Control Act (33 U.S.C. 1341(d)) is amended—

(1) by inserting “water quality standard in effect under section 303 of this Act,” before “standard of performance”; and

(2) by inserting “water quality” before “requirement of State law”.