

[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.

IN THE HOUSE OF REPRESENTATIVES

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

**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. 101. Highway Trust Fund Commission.
- 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. 202. Extension of Federal surface transportation programs.
- 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.

1 **TITLE I—HIGHWAY TRUST FUND**  
2 **Subtitle A—Future of Highway**  
3 **Trust Fund**

4 **SEC. 101. HIGHWAY TRUST FUND COMMISSION.**

5 (a) ESTABLISHMENT.—There is established a com-  
6 mission to be known as the “Highway Trust Fund Com-  
7 mission” (in this section referred to as the “Commis-  
8 sion”).

9 (b) MEMBERSHIP.—

10 (1) NUMBER AND APPOINTMENT.—The Com-  
11 mission shall be composed of 15 members, of  
12 whom—

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

16 (B) 3 members shall be appointed by the  
17 Speaker of the House of Representatives in con-  
18 sultation with the—

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

22 (ii) chairman of the Committee on  
23 Ways and Means of the House of Rep-  
24 resentatives;

1 (C) 2 members shall be appointed by the  
2 minority leader of the House of Representatives  
3 in consultation with the—

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

7 (ii) ranking member of the Committee  
8 on Ways and Means of the House of Rep-  
9 resentatives;

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

13 (i) chairman of the Committee on En-  
14 vironment and Public Works of the Senate;

15 (ii) chairman of the Committee on Fi-  
16 nance of the Senate;

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

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

23 (E) 2 members shall be appointed by the  
24 minority leader of the Senate in consultation  
25 with the—

1 (i) ranking member of the Committee  
2 on Environment and Public Works of the  
3 Senate;

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

6 (iii) ranking member of the Com-  
7 mittee on Commerce, Science, and Trans-  
8 portation of the Senate; and

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

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

14 (A) shall be appointed from among individ-  
15 uals knowledgeable of the Nation’s surface  
16 transportation system, public funding of surface  
17 transportation projects or programs, including  
18 State or local revenue resources, Federal sur-  
19 face transportation policies and programs, and  
20 Federal tax policies and programs;

21 (B) may include individuals that represent  
22 interested parties, such as a State or political  
23 subdivision of a State, local government, public  
24 transportation authority or agency, and users of  
25 the surface transportation system; and

1           (C) may not include a Member of Con-  
2           gress.

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

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

9           (5) TERMS AND VACANCIES.—Each member  
10          shall be appointed for the life of the Commission  
11          and a vacancy in the Commission shall be filled in  
12          the manner in which the original appointment was  
13          made.

14          (6) COMPENSATION.—

15                (A) IN GENERAL.—Members of the Com-  
16                mission shall serve without pay.

17                (B) TRAVEL EXPENSES.—Each member  
18                shall receive travel expenses, including per diem  
19                in lieu of subsistence, in accordance with sec-  
20                tions 5702 and 5703 of title 5, United States  
21                Code.

22          (c) DUTY.—

23                (1) IN GENERAL.—The duty of the Commission  
24                established under subsection (a) shall be to conduct

1 a study and submit a report in accordance with this  
2 subsection.

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

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

7 (B) determines what levels of revenue are  
8 required by the Highway Trust Fund to ad-  
9 dress the needs identified under subparagraph  
10 (A);

11 (C) evaluates different revenue sources to  
12 achieve the levels determined under subpara-  
13 graph (B); and

14 (D) includes anything else the Commission  
15 considers appropriate.

16 (3) REPORT.—On January 15, 2021, the Com-  
17 mission shall submit to Congress, the Secretary of  
18 Transportation, and the Secretary of the Treasury a  
19 written report that includes the—

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

22 (B) at least 1 recommendation for achiev-  
23 ing the long-term solvency of the Highway  
24 Trust Fund; and

25 (C) proposed legislation for—

1 (i) the recommendation under sub-  
2 paragraph (B) in the event that only 1 rec-  
3 ommendation is identified under such sub-  
4 paragraph; or

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

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

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

19 (e) STAFF.—

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

23 (2) DETAILEES.—Upon request of the Commis-  
24 sion, the head of any Federal department or agency  
25 may detail, without reimbursement, any personnel of



1 that department or agency to assist the Commission  
2 in carrying out subsection (e).

3 (f) INFORMATION.—

4 (1) FEDERAL INFORMATION.—The Commission  
5 may secure directly from any department or agency  
6 of the United States, including the Congressional  
7 Budget Office and the Government Accountability  
8 Office, any information, data, or technical assistance  
9 necessary to carry out this section. Upon the request  
10 of the Chairperson of the Commission, the head of  
11 that department or agency shall furnish such infor-  
12 mation, data, or technical assistance to the Commis-  
13 sion.

14 (2) OTHER INFORMATION.—The Commission  
15 may gather other information or data through such  
16 means as it considers appropriate, including holding  
17 hearings and soliciting comments by means of Fed-  
18 eral Register notices.

19 (g) MEETINGS.—

20 (1) INITIAL MEETING.—Not later than 30 days  
21 after the date on which all of the members of the  
22 Commission have been appointed, the Commission  
23 shall hold the initial meeting of the Commission.

1           (2) OTHER MEETINGS.—The Commission shall  
2 hold other meeting as the Chairperson determines  
3 appropriate.

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

7           (i) EXPEDITED PROCEDURES.—

8           (1) INTRODUCTION.—The Commission bill shall  
9 be introduced in the Senate (by request) by the ma-  
10 jority leader of the Senate or by a Member of the  
11 Senate designated by the majority leader of the Sen-  
12 ate and shall be introduced in the House of Rep-  
13 resentatives (by request) by the majority leader of  
14 the House of Representatives or by a Member of the  
15 House of Representatives designated by the majority  
16 leader of the House of Representatives on a date  
17 that each such House is in session and that is not  
18 later than 5 legislative days after the date of receipt  
19 of the report is submitted to Congress under sub-  
20 section (c)(3).

21           (2) CONSIDERATION IN THE HOUSE OF REP-  
22 RESENTATIVES.—

23           (A) REPORTING AND DISCHARGE.—Any  
24 committee of the House of Representatives to  
25 which the commission bill is referred shall re-

1 port it to the House of Representatives without  
2 amendment. If a committee of the House of  
3 Representatives to which qualifying legislation  
4 has been referred has not reported such quali-  
5 fying legislation within 10 legislative days after  
6 the date of referral, that committee shall be dis-  
7 charged from further consideration thereof.

8 (B) PROCEEDING TO CONSIDERATION.—  
9 Beginning on the third legislative day after  
10 each committee to which qualifying legislation  
11 has been referred reports it to the House of  
12 Representatives or has been discharged from  
13 further consideration thereof, it shall be in  
14 order to move to proceed to consider the quali-  
15 fying legislation in the House of Representa-  
16 tives. All points of order against the motion are  
17 waived. Such a motion shall not be in order  
18 after the House of Representatives has disposed  
19 of a motion to proceed on the qualifying legisla-  
20 tion with regard to the same agreement. The  
21 previous question shall be considered as ordered  
22 on the motion to its adoption without inter-  
23 vening motion. The motion shall not be debat-  
24 able. A motion to reconsider the vote by which  
25 the motion is disposed of shall not be in order.

1           (C) CONSIDERATION.—The qualifying leg-  
2           islation shall be considered as read. All points  
3           of order against the qualifying legislation and  
4           against its consideration are waived. The pre-  
5           vious question shall be considered as ordered on  
6           the qualifying legislation to final passage with-  
7           out intervening motion except **【two hours】** of  
8           debate equally divided and controlled by the  
9           sponsor of the qualifying legislation (or a des-  
10          ignee) and an opponent. A motion to reconsider  
11          the vote on passage of the qualifying legislation  
12          shall not be in order.

13          (3) EXPEDITED PROCEDURE IN THE SENATE.—

14           (A) COMMITTEE CONSIDERATION.—A com-  
15          mission bill introduced in the Senate under sub-  
16          section (a) shall be jointly referred to the com-  
17          mittee or committees of jurisdiction, which com-  
18          mittees shall report the bill without any revision  
19          and with a favorable recommendation, an unfa-  
20          vorable recommendation, or without rec-  
21          ommendation, not later than 10 legislative days  
22          after the date of referral. If any committee fails  
23          to report the bill within that period, that com-  
24          mittee shall be automatically discharged from

1 consideration of the bill, and the bill shall be  
2 placed on the appropriate calendar.

3 (B) MOTION TO PROCEED.—Notwith-  
4 standing rule XXII of the Standing Rules of  
5 the Senate, it is in order, not later than 2 days  
6 of session after the date on which a commission  
7 bill is reported or discharged from all commit-  
8 tees to which it was referred, for the majority  
9 leader of the Senate or the majority leader's  
10 designee to move to proceed to the consider-  
11 ation of the commission bill. It shall also be in  
12 order for any Member of the Senate to move to  
13 proceed to the consideration of the commission  
14 bill at any time after the conclusion of such 2-  
15 day period. A motion to proceed is in order  
16 even though a previous motion to the same ef-  
17 fect has been disagreed to. All points of order  
18 against the motion to proceed to the commis-  
19 sion bill are waived. The motion to proceed is  
20 not debatable. The motion is not subject to a  
21 motion to postpone. A motion to reconsider the  
22 vote by which the motion is agreed to or dis-  
23 agreed to shall not be in order. If a motion to  
24 proceed to the consideration of the commission

1 bill is agreed to, the commission bill shall re-  
2 main the unfinished business until disposed of.

3 (C) CONSIDERATION.—All points of order  
4 against the commission bill and against consid-  
5 eration of the commission bill are waived. Con-  
6 sideration of the commission bill and of all de-  
7 batable motions and appeals in connection  
8 therewith shall not exceed a total of 30 hours  
9 which shall be divided equally between the ma-  
10 jority and minority leaders or their designees. A  
11 motion further to limit debate on the commis-  
12 sion bill is in order, shall require an affirmative  
13 vote of three-fifths of the Members duly chosen  
14 and sworn, and is not debatable. Any debatable  
15 motion or appeal is debatable for not to exceed  
16 1 hour, to be divided equally between those fa-  
17 voring and those opposing the motion or appeal.  
18 All time used for consideration of the commis-  
19 sion bill, including time used for quorum calls  
20 and voting, shall be counted against the total  
21 30 hours of consideration.

22 (D) NO AMENDMENTS.—An amendment to  
23 the commission bill, or a motion to postpone, or  
24 a motion to proceed to the consideration of

1 other business, or a motion to recommit the  
2 commission bill, is not in order.

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

9 (F) RULINGS OF THE CHAIR ON PROCE-  
10 DURE.—Appeals from the decisions of the Chair  
11 relating to the application of the rules of the  
12 Senate, as the case may be, to the procedure re-  
13 lating to a commission bill shall be decided  
14 without debate.

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

18 (5) CONSIDERATION BY THE OTHER HOUSE.—

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

22 (i) the commission bill of the other  
23 House shall not be referred to a com-  
24 mittee; and

1                   (ii) the procedure in the receiving  
2                   House shall be the same as if no commis-  
3                   sion bill had been received from the other  
4                   House until the vote on passage, when the  
5                   commission bill received from the other  
6                   House shall supplant the commission bill  
7                   of the receiving House.

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

12                 (6)    RULES    OF    THE    HOUSE    OF  
13                 REPRESENTATIVES AND SENATE.—This section is en-  
14                 acted by Congress—

15                 (A) as an exercise of the rulemaking power  
16                 of the House of Representatives and the Sen-  
17                 ate, respectively, and as such they shall be con-  
18                 sidered as part of the rules of each House, re-  
19                 spectively, or of that House to which they spe-  
20                 cifically apply, and such rules shall supersede  
21                 other rules only to the extent that they are in-  
22                 consistent therewith; and

23                 (B) with full recognition of the constitu-  
24                 tional right of either House to change such  
25                 rules (so far as relating to such House) at any



1           time, in the same manner, and to the same ex-  
2           tent as in the case of any other rule of such  
3           House.

4           (j) DEFINITIONS.—In this section, the following defi-  
5           nitions apply:

6           (1) HIGHWAY TRUST FUND.—The term “High-  
7           way Trust Fund” means the Highway Trust Fund  
8           established under section 9503 of the Internal Rev-  
9           enue Code of 1986.

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

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

15                 (B) any public transportation system eligi-  
16                 ble for Federal assistance under chapter 53 of  
17                 title 49, United States Code.

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

20          (a) ESTABLISHMENT.—

21                 (1) IN GENERAL.—The Secretary of Transpor-  
22                 tation, in coordination with the Secretary of the  
23                 Treasury, shall establish a pilot program to dem-  
24                 onstrate a national per-mile user fee to restore and  
25                 maintain the long-term solvency of the Highway

1 Trust Fund and steadily reduce the state of good re-  
2 pair backlog in surface transportation.

3 (2) OBJECTIVES.—The objectives of the pilot  
4 program are to—

5 (A) test the design, acceptance, implemen-  
6 tation, and financial sustainability of a national  
7 per-mile user fee;

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

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

15 (b) PARAMETERS.—In carrying out the pilot program  
16 established in subsection (a), the Secretary of Transpor-  
17 tation, in coordination with the Secretary of the Treasury,  
18 shall—

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

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

24 (3) ensure an equitable geographic distribution  
25 by population among volunteer participants;

1 (4) include owners of commercial vehicles and  
2 private motor vehicles in the pilot program; and

3 (5) use components of, and information from,  
4 the States selected for the pilot program under sec-  
5 tion 6020 of the FAST Act (23 U.S.C. 503 note),  
6 where applicable.

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

10 (1) third-party on-board diagnostic (OBD–II)  
11 devices;

12 (2) smart phone applications;

13 (3) reporting by automakers;

14 (4) reporting by car insurance companies;

15 (5) manual reporting through State depart-  
16 ments of motor vehicles; and

17 (6) any other method that the Secretary of  
18 Transportation considers appropriate.

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

22 (1) for passenger vehicles and light trucks, a  
23 per-mile user fee that is equivalent to—

24 (A) the average annual taxes imposed by  
25 sections 4041 and 4081 of the Internal Rev-

1            enue Code of 1986 with respect to gasoline or  
2            any other fuel used in a motor vehicle (other  
3            than aviation gasoline or diesel), divided by

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

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

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

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

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

20           (e) VOLUNTEER PARTICIPANTS.—

21                    (1) IN GENERAL.—The Secretary of Transpor-  
22            tation, in coordination with the Secretary of the  
23            Treasury, shall ensure to the extent practicable, that  
24            an appropriate number of volunteer participants par-  
25            ticipate in the pilot program.

1           (2) PROTECTION POLICIES.—The Secretary of  
2           Transportation, in coordination with the Secretary  
3           of the Treasury, shall issue policies to—

4                   (A) protect the privacy of volunteer partici-  
5                   pants; and

6                   (B) secure the data provided by volunteer  
7                   participants.

8           (f) REVENUE COLLECTION.—The Secretary of the  
9           Treasury, in coordination with the Secretary of Transpor-  
10          tation, shall establish a mechanism to collect per-mile user  
11          fees established in subsection (d) from volunteer partici-  
12          pants. Such a mechanism—

13                   (1) may be adjusted as needed to address tech-  
14                   nical challenges; and

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

17          (g) LIMITATION.—Any revenue collected through the  
18          mechanism established in subsection (f) shall not be con-  
19          sidered a toll under section 301 of title 23, United States  
20          Code.

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

24          (i) REFUND.—The Secretary of the Treasury  
25          promptly shall calculate and issue an equivalent refund to

1 volunteer participants for applicable Federal motor fuel  
2 taxes under section 4041 and section 4081 of the Internal  
3 Revenue Code of 1986, the applicable battery tax under  
4 section 4111 of such Code, or both, if applicable.

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

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

16 (2) how volunteer protections in subsection  
17 (e)(2) were complied with; and

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

22 (k) AUTHORIZATION.—

23 (1) IN GENERAL.—Of the funds authorized to  
24 carry out section 503(b) of title 23, United States

1 Code, \$5,000,000 for each of fiscal years 2019  
2 through 2021 shall be used to carry out this section.

3 (2) OTHER POSSIBLE FUNDS.—Notwith-  
4 standing section 6020(k) of the FAST Act (23  
5 U.S.C. 503 note), if the Secretary of Transportation  
6 determines that there are an insufficient number of  
7 grant applications that meet the requirements of  
8 section 6020 of such Act for a fiscal year, the Sec-  
9 retary may use the funds provided for such section  
10 to carry out this section.

11 (l) SUNSET.—The pilot program established under  
12 this section shall expire on the date that is 2 years after  
13 the date on which volunteer participants begin partici-  
14 pating in such program.

15 (m) SUCCESSOR PROGRAM FOR CERTAIN COMMER-  
16 CIAL VEHICLE FLEETS.—

17 (1) IN GENERAL.—Beginning on the date on  
18 which the pilot program expires under subsection (l),  
19 the Secretary of Transportation, in coordination  
20 with the Secretary of the Treasury, may establish a  
21 successor program to be carried out in the same  
22 manner as the pilot program under this section.

23 (2) PARTICIPATION.—Eligibility for the suc-  
24 cessor program established under subparagraph (A)

1 shall be limited to any volunteer participant of the  
2 pilot program who—

3 (A) is the owner of a commercial fleet of  
4 vehicles; and

5 (B) requests participation in the successor  
6 program.

7 (n) DEFINITIONS.—In this section, the following defi-  
8 nitions apply:

9 (1) VOLUNTEER PARTICIPANT.—The term “vol-  
10 unteer participant” means an owner of—

11 (A) an individual private motor vehicle or  
12 commercial vehicle who volunteers to participate  
13 in the pilot program; or

14 (B) a commercial fleet of vehicles who vol-  
15 unteers to participate in the pilot program.

16 (2) HIGHWAY TRUST FUND.—The term “High-  
17 way Trust Fund” means the Highway Trust Fund  
18 established under section 9503 of the Internal Rev-  
19 enue Code of 1986.



1     **Subtitle B—Highway Trust Fund**  
2                     **Reform**

3     **SEC. 111. ELIMINATION OF REDUCED RATE FOR INTERCITY**  
4                     **AND LOCAL PUBLIC TRANSPORTATION**  
5                     **BUSES.**

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

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

14                     (2) by striking so much of such subsection as  
15 precedes “Except as otherwise provided” and insert-  
16 ing the following:

17                     “(b) SCHOOL BUSES.—”, and

18                     (3) by striking paragraph (2).

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

22                     (1) in paragraph (1), by striking “while en-  
23 gaged in—” and all that follows through “the Sec-  
24 retary shall pay” and inserting the following: “while  
25 engaged in the transportation of students and em-

1 ployees of schools (as defined in the last sentence of  
2 section 4221(d)(7)(C)), the Secretary shall pay”,

3 (2) by striking so much of such subsection as  
4 precedes “Except as otherwise provided” and insert-  
5 ing the following:

6 “(b) SCHOOL BUSES.—”, and

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

8 (c) CONFORMING AMENDMENTS.—Section  
9 4041(a)(1)(C)(iii) of such Code is amended to read as fol-  
10 lows:

11 “(iii) EXCEPTION FOR SCHOOL  
12 BUSES.—No tax shall be imposed by this  
13 paragraph on any sale for use, or use, de-  
14 scribed in section 6427(b).”.

15 (d) EFFECTIVE DATE.—The amendment made by  
16 this section shall apply to fuel sold after December 31,  
17 2018.

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

20 (a) IN GENERAL.—Section 4041(a)(1)(C)(ii) of the  
21 Internal Revenue Code of 1986 is amended to read as fol-  
22 lows:

23 “(ii) RATE OF TAX ON TRAINS.—In  
24 the case of any sale for use, or use, of die-

1 sel fuel in a train, the rate of tax imposed  
2 by this paragraph shall be—

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

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

8 (b) APPLICABLE PASSENGER TRAIN.—Section  
9 4041(a)(1)(C) of such Code is amended by adding at the  
10 end the following new clause:

11 “(iv) APPLICABLE PASSENGER  
12 TRAIN.—For purposes of clause (ii), the  
13 term ‘applicable passenger train’ means  
14 any train which is part of a public trans-  
15 portation system which is eligible for a  
16 grant to be made under section 5307 or  
17 5337 of title 49, United States Code.”.

18 (c) INCREASE FOR INFLATION.—Section  
19 4041(a)(1)(C) of such Code, as amended by subsection  
20 (b), is amended by adding at the end the following new  
21 clause:

22 “(v) ADJUSTMENT FOR INFLATION.—  
23 In the case of any calendar year beginning  
24 after 2021, the rate of tax contained in

1 clause (ii)(II) shall be increased by an  
2 amount equal to—

3 “(I) such rate, multiplied by

4 “(II) the cost of living adjust-  
5 ment determined under section 1(f)(3)  
6 for the calendar year, determined by  
7 substituting ‘calendar year 2020’ for  
8 ‘calendar year 1992’ in subparagraph  
9 (A)(ii) thereof.

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

12 (d) EFFECTIVE DATE.—The amendments made by  
13 this section shall apply to sales or uses after December  
14 31, 2018.

15 **SEC. 113. ELECTRIC VEHICLE BATTERY EXCISE TAX.**

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

19 **“PART IV—ELECTRIC VEHICLE BATTERIES**

“Sec. 4111. Electric vehicle batteries.

20 **“SEC. 4111. ELECTRIC VEHICLE BATTERIES.**

21 “(a) IMPOSITION OF TAX.—There is hereby imposed  
22 on the sale by the manufacturer or importer of each elec-  
23 tric motor vehicle battery a tax equal to 10 percent of the  
24 price for which so sold.

1       “(b) ELECTRIC MOTOR VEHICLE BATTERY.—For  
2 purposes of this section—

3           “(1) IN GENERAL.—The term ‘electric motor  
4 vehicle battery’ means a battery which is designed to  
5 power an electric motor that to a significant extent  
6 propels a motor vehicle.

7           “(2) MOTOR VEHICLE.—The term ‘motor vehi-  
8 cle’ means any vehicle which is manufactured pri-  
9 marily for use on public streets, roads, and highways  
10 (not including a vehicle operated exclusively on a rail  
11 or rails) and which has at least 4 wheels.

12       “(c) INITIAL SALE AS COMPONENT.—In the case of  
13 a electric motor vehicle battery sold as a component of  
14 a motor vehicle, the price taken into account under sub-  
15 section (a) shall be so much of the price for which the  
16 motor vehicle was sold as is allocable to such battery.”.

17       (b) INCLUSION IN HIGHWAY TRUST FUND.—Section  
18 9503(b)(1) of such Code is amended by striking “and”  
19 at the end of subparagraph (D), by striking the period  
20 at the end of subparagraph (E) and inserting “, and”,  
21 and by inserting after subparagraph (E) the following new  
22 subparagraph:

23           “(F) Section 4111 (relating to electric ve-  
24 hicle batteries).”.

1 (c) CLERICAL AMENDMENT.—The table of parts for  
2 subchapter A of chapter 32 of such Code is amended by  
3 adding at the end the following new item:

“PART IV. ELECTRIC VEHICLE BATTERIES”.

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

6 **SEC. 114. BICYCLE TIRE TAX.**

7 (a) IN GENERAL.—Subchapter D of chapter 32 of the  
8 Internal Revenue Code of 1986 is amended by inserting  
9 after part I the following new part:

10 **“PART II—BICYCLE TIRES**

11 **“SEC. 4171. BICYCLE TIRE TAX.**

12 “(a) IMPOSITION OF TAX.—There is hereby imposed  
13 on the sale by the manufacturer or importer of each bicy-  
14 cle tire the inflated outside diameter of which is at least  
15 26 inches a tax equal to 10 percent of the price for which  
16 so sold.

17 “(b) INITIAL SALE AS COMPONENT.—In the case of  
18 a bicycle tire sold as a component of a bicycle, the price  
19 taken into account under subsection (a) shall be so much  
20 of the price for which the bicycle was sold as is allocable  
21 to such tire.”.

22 (b) INCLUSION IN HIGHWAY TRUST FUND.—Section  
23 9503(b)(1) of such Code, as amended by the preceding  
24 provisions of this Act, is amended by striking “and” at  
25 the end of subparagraph (E), by striking the period at



1 “(IV) for tax imposed after 2020,  
2 33.3 cents per gallon,”.

3 (b) DIESEL FUEL OR KEROSENE.—Section  
4 4081(a)(2)(A)(iii) of such Code is amended to read as fol-  
5 lows:

6 “(iii) in the case of diesel fuel or ker-  
7 osene—

8 “(I) for tax imposed before 2019,  
9 24.3 cents per gallon,

10 “(II) for tax imposed during  
11 2019, 30.3 cents per gallon,

12 “(III) for tax imposed during  
13 2020, 37.3 cents per gallon, and

14 “(IV) for tax imposed after 2020,  
15 44.3 cents per gallon.”.

16 (c) INCREASE FOR INFLATION.—Section 4081(a)(2)  
17 of such Code is amended by adding at the end the fol-  
18 lowing:

19 “(E) ADJUSTMENT FOR INFLATION.—In  
20 the case of any calendar year beginning after  
21 2021, the rates of tax contained in clauses  
22 (i)(IV) and (iii)(IV) of subparagraph (A) shall  
23 each be increased by an amount equal to—

24 “(i) such rate, multiplied by



1           “(ii) the cost of living adjustment de-  
2           termined under section 1(f)(3) for the cal-  
3           endar year, determined by substituting  
4           ‘calendar year 2020’ for ‘calendar year  
5           1992’ in subparagraph (A)(ii) thereof.

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

8           (d) ALTERNATIVE FUELS.—

9           (1) LIQUEFIED PETROLEUM GAS.—Section  
10          4041(a)(2)(B)(ii) of such Code is amended by in-  
11          serting “after September 30, 2028” after “liquefied  
12          petroleum gas”.

13          (2) COMPRESSED NATURAL GAS.—The second  
14          sentence of section 4041(a)(3)(A) of such Code is  
15          amended by striking “18.3 cents” and inserting “the  
16          rate of tax specified in section 4081(a)(2)(A)(i)  
17          which is in effect at the time of such sale or use  
18          (18.3 cents after September 30, 2028)”.

19          (3) CERTAIN FUEL DERIVED FROM COAL OR  
20          BIOMASS; LIQUEFIED NATURAL GAS.—Clauses (iii)  
21          and (iv) of section 4041(a)(2)(B) of such Code are  
22          each amended by striking “24.3 cents” and inserting  
23          “the rate of tax specified in section  
24          4081(a)(2)(A)(iii) which is in effect at the time of

1 such sale or use (24.3 cents after September 30,  
2 2028)”.

3 (e) DIESEL-WATER FUEL EMULSION.—Section  
4 4081(a)(2)(D) of the Internal Revenue Code of 1986 is  
5 amended by striking “by substituting ‘19.7 cents’ for ‘24.3  
6 cents’.” and inserting “by substituting a rate equal to 81  
7 percent of the rate in effect under subparagraph (A)  
8 (without regard to this subparagraph).”.

9 (f) DELAYED TERMINATION OF GAS AND DIESEL  
10 RATES.—Section 4081(d)(1) of the Internal Revenue  
11 Code of 1986 is amended—

12 (1) by striking “September 30, 2022” and in-  
13 serting “September 30, 2028”, and

14 (2) by striking “4.3 cents per gallon” and in-  
15 serting “zero”.

16 (g) CONFORMING TRANSFERS TO MASS TRANSIT AC-  
17 COUNT.—Section 9503(e)(2) of such Code is amended by  
18 adding at the end the following new flush matter:

19 “In the case of amounts appropriated to the High-  
20 way Trust Fund under subsection (b) which are at-  
21 tributable to taxes under sections 4041 and 4081  
22 imposed after December 31, 2019, for purposes of  
23 any fuel described in subparagraph (A), (C), (D), or  
24 (E), the mass transit portion with respect to each  
25 such fuel shall be determined at a rate which bears

1 the same ratio to the rate of tax so imposed with re-  
2 spect to such fuel as the rate of the mass transit  
3 portion with respect to such fuel (determined with-  
4 out regard to this sentence) bears to the rate of tax  
5 in effect with respect to such fuel on the day before  
6 the date of the enactment of this sentence.”.

7 (h) EFFECTIVE DATE.—The amendments made by  
8 this section shall apply to fuels or liquids removed, en-  
9 tered, or sold after December 31, 2018.

10 **SEC. 122. FLOOR STOCKS TAX.**

11 (a) IMPOSITION OF TAX.—In the case of any taxable  
12 liquid which is held on the floor stocks tax date by any  
13 person, there is hereby imposed a floor stocks tax equal  
14 to the excess of the tax which would be imposed on such  
15 liquid under section 4041 or 4081 of the Internal Revenue  
16 Code of 1986 had the taxable event occurred on the floor  
17 stocks tax date over the tax paid under any such section  
18 on such liquid.

19 (b) LIABILITY FOR TAX AND METHOD OF PAY-  
20 MENT.—

21 (1) LIABILITY FOR TAX.—A person holding a  
22 liquid on the floor stocks tax date to which the tax  
23 imposed by subsection (a) applies shall be liable for  
24 such tax.

1           (2) METHOD OF PAYMENT.—The tax imposed  
2           by subsection (a) shall be paid in such manner as  
3           the Secretary shall prescribe.

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

7           (c) DEFINITIONS.—For purposes of this section—

8           (1) HELD BY A PERSON.—A liquid shall be con-  
9           sidered as held by a person if title thereto has  
10          passed to such person (whether or not delivery to  
11          the person has been made).

12          (2) TAXABLE LIQUID.—The term “taxable liq-  
13          uid” means diesel fuel and kerosene (other than  
14          aviation-grade kerosene).

15          (3) FLOOR STOCKS DATE.—The term “floor  
16          stocks tax date” means any January 1 of any cal-  
17          endar year beginning after the date of the enactment  
18          of this Act on which a rate of tax under section  
19          4041 or 4081 of such Code increases pursuant to an  
20          amendment made by this title.

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

23          (d) EXCEPTION FOR EXEMPT USES.—The tax im-  
24          posed by subsection (a) shall not apply to taxable liquid  
25          held by any person exclusively for any use to the extent

1 a credit or refund of the tax imposed by a section of such  
2 Code is allowable for such use.

3 (e) EXCEPTION FOR FUEL HELD IN VEHICLE  
4 TANK.—No tax shall be imposed by subsection (a) on tax-  
5 able liquid held in the tank of a motor vehicle or motor-  
6 boat.

7 (f) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

8 (1) IN GENERAL.—No tax shall be imposed by  
9 subsection (A) on any liquid held on the floor stocks  
10 tax date by any person if the aggregate amount of  
11 liquid held by such person on such date does not ex-  
12 ceed 2,000 gallons. The preceding sentence shall  
13 apply only if such person submits to the Secretary  
14 (at the time and in the manner required by the Sec-  
15 retary) such information as the Secretary shall re-  
16 quire for purposes of this paragraph.

17 (2) EXEMPT FUEL.—For purposes of para-  
18 graph (1), there shall not be taken into account fuel  
19 held by any person which is exempt from the tax im-  
20 posed by subsection (a) by reason of subsection (d)  
21 or (e).

22 (3) CONTROLLED GROUPS.—For purposes of  
23 this section—

24 (A) CORPORATIONS.—

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

4 (ii) CONTROLLED GROUP.—The term  
5 “controlled group” has the meaning given  
6 to such term by subsection (a) of section  
7 1563 of such Code; except that for such  
8 purposes the phrase “more than 50 per-  
9 cent” shall be substituted for the phrase  
10 “at least 80 percent” each place it appears  
11 in such subsection.

12 (B) NONINCORPORATED PERSONS UNDER  
13 COMMON CONTROL.—Under regulations pre-  
14 scribed by the Secretary, principles similar to  
15 the principles of clause (i) shall apply to a  
16 group of persons under common control where  
17 one or more of such persons is not a corpora-  
18 tion.

19 (g) OTHER LAWS APPLICABLE.—All provisions of  
20 law, including penalties, applicable with respect to the  
21 taxes imposed by chapter 31 or 32 of such Code shall,  
22 insofar as applicable and not inconsistent with the provi-  
23 sions of this section, apply with respect to the floor stock  
24 taxes imposed by subsection (a) to the same extent as if  
25 such taxes were imposed by such chapter.

1 **SEC. 123. EXTENSION OF OTHER HIGHWAY-RELATED**  
2 **TAXES.**

3 (a) IN GENERAL.—

4 (1) Section 4041(m)(1)(B) of the Internal Rev-  
5 enue Code of 1986 is amended by striking “Sep-  
6 tember 30, 2022” and inserting “September 30,  
7 2028”.

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

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

12 (B) Section 4051(c).

13 (C) Section 4071(d).

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

15 (b) EXTENSION OF TAX, ETC., ON USE OF CERTAIN  
16 HEAVY VEHICLES.—Each of the following provisions of  
17 the Internal Revenue Code of 1986 is amended by striking  
18 “2023” each place it appears and inserting “2028”:

19 (1) Section 4481(f).

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

21 (c) FLOOR STOCKS REFUNDS.—Section 6412(a)(1)  
22 of the Internal Revenue Code of 1986 is amended—

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

25 (2) by striking “March 31, 2023” each place it  
26 appears and inserting “March 31, 2029”; and

1 (3) by striking “January 1, 2023” and insert-  
2 ing “January 1, 2029”.

3 (d) EXTENSION OF CERTAIN EXEMPTIONS.—

4 (1) Section 4221(a) of the Internal Revenue  
5 Code of 1986 is amended by striking “October 1,  
6 2022” and inserting “October 1, 2028”.

7 (2) Section 4483(i) of such Code is amended by  
8 striking “October 1, 2023” and inserting “October  
9 1, 2028”.

10 **SEC. 124. EXTENSION OF TRANSFERS OF CERTAIN TAXES.**

11 (a) IN GENERAL.—Section 9503 of the Internal Rev-  
12 enue Code of 1986 is amended—

13 (1) in subsection (b)—

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

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

20 (C) by striking “September 30, 2022” in  
21 paragraph (2) and inserting “September 30,  
22 2028”; and

23 (D) by striking “July 1, 2023” in para-  
24 graph (2) and inserting “July 1, 2029”; and



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

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

5 (1) IN GENERAL.—Paragraphs (3)(A)(i) and  
6 (4)(A) of section 9503(c) of such Code are each  
7 amended by striking “October 1, 2022” and insert-  
8 ing “October 1, 2028”.

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

12 (A) by striking “October 1, 2023” each  
13 place it appears and inserting “October 1,  
14 2029”; and

15 (B) by striking “October 1, 2022” and in-  
16 serting “October 1, 2028”.

17 **SEC. 125. EXTENSION OF HIGHWAY TRUST FUND EXPENDI-**  
18 **TURE AUTHORITY.**

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

21 (1) by striking “October 1, 2020” in sub-  
22 sections (b)(6)(B), (c)(1), and (e)(3) and inserting  
23 “October 1, 2021”, and

1 (2) by striking “FAST Act” in subsections  
2 (e)(1) and (e)(3) and inserting “\_\_\_\_\_”  
3 Act of 2018”.

4 **TITLE II—INVESTMENT IN**  
5 **INFRASTRUCTURE**  
6 **Subtitle A—Transportation**  
7 **Infrastructure**

8 **SEC. 201. INFRASTRUCTURE IMPROVEMENTS.**

9 (a) IN GENERAL.—Subtitle III of title 49, United  
10 States Code, is amended by adding at the end the fol-  
11 lowing:

12 **“CHAPTER 67—INFRASTRUCTURE**  
13 **IMPROVEMENTS**

“Sec.

“6701. National infrastructure investments.

“6702. Projects of national significance.

14 **“§ 6701. National infrastructure investments**

15 “(a) ESTABLISHMENT.—The Secretary of Transpor-  
16 tation shall establish a national infrastructure investments  
17 program to make capital investments in transportation in-  
18 frastructure.

19 “(b) GRANT AUTHORITY.—

20 “(1) IN GENERAL.—In carrying out the pro-  
21 gram established under subsection (a), the Secretary  
22 may make grants, on a competitive basis, in accord-  
23 ance with this section.

1           “(2) GRANT AMOUNT.—Except as otherwise  
2 provided, each grant made under this section shall  
3 be in an amount that is at least \$25,000,000.

4           “(c) ELIGIBLE APPLICANTS.—

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

7           “(A) A State.

8           “(B) A local government.

9           “(C) A transit agency.

10           “(D) A political subdivision of a State.

11           “(E) An interstate compact.

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

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

16           “(2) APPLICATIONS.—To be eligible for a grant  
17 under this section, an entity specified in paragraph  
18 (1) shall submit to the Secretary an application in  
19 such form, at such time, and containing such infor-  
20 mation as the Secretary determines is appropriate.

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

24           “(1) a highway or bridge project eligible to re-  
25 ceive Federal assistance under title 23;

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

4           “(3) a passenger rail or freight rail transpor-  
5           tation project eligible to receive Federal assistance  
6           under this title;

7           “(4) a port project, including inland port infra-  
8           structure and land ports of entry;

9           “(5) an airport project; or

10          “(6) a transformative transportation project.

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

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

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

23                 “(1) an equitable geographic distribution of  
24                 funds; and

1           “(2) an investment in a variety of transpor-  
2           tation modes.

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

7           “(i) RURAL AREAS.—

8           “(1) IN GENERAL.—The Secretary shall reserve  
9           not less than 30 percent of the funding made avail-  
10          able to carry out this section each fiscal year for eli-  
11          gible projects located in rural areas.

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

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

19          “(k) INCENTIVE GRANTS.—

20          “(1) IN GENERAL.—The Secretary may make a  
21          grant under this section to an eligible applicant  
22          under subsection (c)(1) that owns an infrastructure  
23          asset and has leased such asset to a private sector  
24          entity. Such grants shall be made for purposes of

1 carrying out an eligible project described in sub-  
2 section (d).

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

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

14 “(4) FUNDING.—Not more than  
15 \$3,000,000,000 of the amounts made available to  
16 carry out this section for fiscal years 2019 through  
17 2023, in aggregate, may be used to make grants  
18 under this subsection.

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

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

24 “(B) a public transit facility;

25 “(C) an airport;

1 “(D) a port or a port terminal;

2 “(E) a publicly owned railroad facility;

3 “(F) a wastewater conveyance and treat-  
4 ment facility;

5 “(G) a drinking water treatment and dis-  
6 tribution facility;

7 “(H) an intermodal facility;

8 “(I) an intercity passenger bus facility;

9 “(J) an intercity passenger rail facility; or

10 “(K) a group of assets described in this  
11 paragraph.

12 “(l) PROJECTS OF NATIONAL SIGNIFICANCE.—

13 “(1) IN GENERAL.—Not more than  
14 \$500,000,000 of the amounts made available to  
15 carry out this section for each of fiscal years 2019  
16 through 2023 may be appropriated for projects of  
17 national significance under section 6702.

18 “(2) LIMITATION.—Funds may not be appro-  
19 priated for a project of national significance under  
20 such section unless—

21 “(A) such project is included in—

22 “(i) the initial annual report described  
23 under section 6702(d); or

1                   “(ii) any annual report submitted  
2                   after such initial report in accordance with  
3                   section 6702(a); and

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

6                   “(m) AUTHORIZATION OF APPROPRIATIONS.—There  
7 is authorized to carry out this section \$3,000,000,000 for  
8 each of fiscal years 2019 through 2023.

9                   “(n) DEFINITIONS.—In this section, the following  
10 definitions apply:

11                   “(1) RURAL AREA.—The term ‘rural area’  
12 means an area that is outside an urbanized area, as  
13 defined and designated in the most recent decennial  
14 census by the Secretary of Commerce, with a popu-  
15 lation of over 200,000.

16                   “(2) STATE.—The term ‘State’ means any of  
17 the 50 States, the District of Colombia, Puerto Rico,  
18 the Commonwealth of the Northern Mariana Is-  
19 lands, Guam, American Samoa, or the United States  
20 Virgin Islands.

21                   “(3) TRANSFORMATIVE TRANSPORTATION  
22 PROJECT.—The term ‘transformative transportation  
23 project’ means a project that uses innovation or  
24 technology to facilitate the movement of goods or  
25 people.



1 **“§ 6702. Projects of national significance**

2 “(a) IN GENERAL.—Not later than March 1, 2019,  
3 and annually thereafter, the Secretary of Transportation  
4 shall submit to the Committee on Banking, Housing, and  
5 Urban Affairs, the Committee on Commerce, Science, and  
6 Transportation, and the Committee on Environment and  
7 Public Works of the Senate and the Committee on Trans-  
8 portation and Infrastructure of the House of Representa-  
9 tives an annual report, to be entitled ‘Report to Congress  
10 on Building a 21st Century Infrastructure’, that identifies  
11 projects of national significance.

12 “(b) REQUESTS FOR PROPOSALS.—

13 “(1) PUBLICATION.—Not later than May 1 of  
14 each year, the Secretary shall publish in the Federal  
15 Register a notice requesting proposals from project  
16 sponsors for proposed projects of national signifi-  
17 cance to be included in the annual report.

18 “(2) DEADLINE FOR REQUESTS.—The Sec-  
19 retary shall include in each notice required by this  
20 subsection a requirement that project sponsors sub-  
21 mit to the Secretary any proposals described in  
22 paragraph (1) not later than 120 days after the date  
23 of publication of the notice in the Federal Register.

24 “(c) CONTENTS OF ANNUAL REPORTS.—

1           “(1) CRITERIA FOR INCLUSION IN REPORT.—

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

4                   “(A) have not been included in any pre-  
5                   vious annual report;

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

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

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

15           “(2) DESCRIPTION OF BENEFITS.—The Sec-  
16           retary shall describe in the annual report for each  
17           project of national significance how such project—

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

21                   “(B) is able to—

22                           “(i) generate national economic bene-  
23                           fits;

24                           “(ii) reduce long-term congestion; and

1 “(iii) increase the speed and reliability  
2 of the movement of people or freight.

3 “(3) TRANSPARENCY.—The Secretary shall in-  
4 clude in the annual report, for each project of na-  
5 tional significance—

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

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

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

15 “(d) CONTENTS OF INITIAL ANNUAL REPORT.—Not-  
16 withstanding subsection (c), the annual report required to  
17 be submitted on March 1, 2019, shall contain any project  
18 that—

19 “(1) has been—

20 “(A) identified as a high priority corridor  
21 on the National Highway System under section  
22 1105(c) of the Intermodal Surface Transpor-  
23 tation Efficiency Act of 1991 (Public Law 102–  
24 240; 105 Stat. 2032); or

1 “(B) authorized by an Act of Congress;

2 and

3 “(2) the Secretary determines is a project of  
4 national significance under this section.

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

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

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

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

19 and

20 “(B) is able to—

21 “(i) generate national economic bene-  
22 fits;

23 “(ii) reduce long-term congestion; and

24 “(iii) increase the speed and reliability  
25 of the movement of people or freight.



1 reference and shall continue in effect through September  
2 30, 2021.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—

4 (1) HIGHWAY TRUST FUND.—

5 (A) HIGHWAY ACCOUNT.—There is author-  
6 ized to be appropriated from the Highway Ac-  
7 count for fiscal year 2021, for each program  
8 with respect to which amounts are authorized  
9 to be appropriated from such account for fiscal  
10 year 2020, an amount equal to the amount au-  
11 thorized for appropriation with respect to the  
12 program from such account under the covered  
13 laws for fiscal year 2020.

14 (B) MASS TRANSIT ACCOUNT.—There is  
15 authorized to be appropriated from the Mass  
16 Transit Account for fiscal year 2021, for each  
17 program with respect to which amounts are au-  
18 thorized to be appropriated from such account  
19 for fiscal year 2020, an amount equal to the  
20 amount authorized for appropriation with re-  
21 spect to the program from such account under  
22 the covered laws for fiscal year 2020.

23 (2) GENERAL FUND.—There is authorized to be  
24 appropriated for fiscal year 2021, for each program  
25 with respect to which amounts are authorized to be

1       appropriated for fiscal year 2020 from an account  
2       other than the Highway Account or the Mass Tran-  
3       sit Account under the titles specified in subsection  
4       (e)(1)(A), an amount equal to the amount author-  
5       ized for appropriation with respect to the program  
6       under such titles for fiscal year 2020.

7       (c) USE OF FUNDS.—Amounts authorized to be ap-  
8       propriated for fiscal year 2021 with respect to a program  
9       under subsection (b) shall be distributed, administered,  
10      limited, and made available for obligation in the same  
11      manner as amounts authorized to be appropriated with re-  
12      spect to the program for fiscal year 2020 under the cov-  
13      ered laws.

14      (d) OBLIGATION LIMITATION.—A program for which  
15      amounts are authorized to be appropriated under sub-  
16      section (b)(1) shall be subject to a limitation on obliga-  
17      tions for fiscal year 2021 in the same amount and in the  
18      same manner as the limitation applicable with respect to  
19      the program for fiscal year 2020.

20      (e) DEFINITIONS.—In this section, the following defi-  
21      nitions apply:

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

24                      (A) Titles I, III, IV, V, and VI of division  
25                      A of the FAST Act (Public Law 114–94).

1 (B) Division A, division B, subtitle A of  
2 title I and title II of division C, and division E  
3 of MAP-21 (Public Law 112-141).

4 (C) Titles I, II, and III of the SAFETEA-  
5 LU Technical Corrections Act of 2008 (Public  
6 Law 110-244).

7 (D) Titles I, II, III, IV, V, and VI of  
8 SAFETEA-LU (Public Law 109-59).

9 (E) Titles I, II, III, IV, and V of the  
10 Transportation Equity Act for the 21st Century  
11 (Public Law 105-178).

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

15 (G) Title I, part A of title II, title III, title  
16 IV, title V, and title VI of the Intermodal Sur-  
17 face Transportation Efficiency Act of 1991  
18 (Public Law 102-240).

19 (H) Title 23, United States Code.

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

23 (2) HIGHWAY ACCOUNT.—The term “Highway  
24 Account” means the portion of the Highway Trust  
25 Fund that is not the Mass Transit Account.



1           (3) MASS TRANSIT ACCOUNT.—The term “Mass  
2           Transit Account” means the portion of the Highway  
3           Trust Fund established under section 9503(e)(1) of  
4           the Internal Revenue Code of 1986.

5 **SEC. 203. REPEAL OF RESCISSION.**

6           Section 1438 of the FAST Act (Public Law 114–94),  
7           and the item relating to such section in the table of con-  
8           tents in section 1(b) of such Act, are repealed.

9 **SEC. 204. ADDITIONAL AUTHORIZATIONS.**

10          (a) SURFACE TRANSPORTATION BLOCK GRANT PRO-  
11          GRAM.—

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

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

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

20                   and

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

22           (2) APPORTIONMENT.—Funds appropriated  
23           pursuant to this subsection shall be apportioned to  
24           the States in the same manner as if such funds were

1 provided under section 104(b)(2) of title 23, United  
2 States Code.

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

7 (4) LIMITATION.—Section 133(h) of title 23,  
8 United States Code, shall not apply to funds appro-  
9 priated pursuant to this subsection.

10 (5) TREATMENT.—Except as otherwise pro-  
11 vided in this subsection, funds appropriated pursu-  
12 ant to this subsection shall be treated in the same  
13 manner as if provided under chapter 1 of title 23,  
14 United States Code.

15 (b) BUSES AND BUS FACILITIES GRANTS.—In addi-  
16 tion to the amounts made available for buses and bus fa-  
17 cilities competitive grants under section 5338(a)(2)(M) of  
18 title 49, United States Code, there is authorized to be ap-  
19 propriated for such grants—

20 (1) \$400,000,000 for fiscal year 2019;

21 (2) \$300,000,000 for fiscal year 2020; and

22 (3) \$200,000,000 for fiscal year 2021.

23 (c) NATIONALLY SIGNIFICANT FEDERAL LANDS AND  
24 TRIBAL PROJECTS PROGRAM.—Section 1123(h) of the

1 FAST Act (23 U.S.C. 201 note) is amended by striking  
2 “\$100,000,000” and inserting “\$300,000,000”.

3 (d) AUTHORIZATIONS OF GRANTS TO AMTRAK.—Sec-  
4 tion 11101 of the Passenger Rail Reform and Investment  
5 Act of 2015 (Public Law 114–94) is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (4) by striking  
8 “\$557,000,000” and inserting “\$650,000,000”;

9 (B) in paragraph (5) by striking  
10 “\$600,000,000” and inserting “\$663,000,000”;

11 and

12 (C) by adding at the end the following:

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

14 (2) in subsection (b)—

15 (A) in paragraph (4) by striking  
16 “\$1,143,000,000” and inserting

17 “\$1,291,000,000”;

18 (B) in paragraph (5) by striking

19 “\$1,200,000,000” and inserting

20 “\$1,316,820,000”; and

21 (C) by adding at the end of subsection (b)

22 the following:

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

24 (e) CONSOLIDATED RAIL INFRASTRUCTURE AND  
25 SAFETY IMPROVEMENTS.—Section 11102(a) of the Pas-

1 senger Rail Reform and Investment Act of 2015 (Public  
2 Law 114–94) is amended—

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

5 (2) in paragraph (5) by striking  
6 “\$330,000,000” and inserting “\$612,000,000”; and

7 (3) by adding at the end the following:

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

9 (f) FEDERAL-STATE PARTNERSHIP FOR STATE OF  
10 GOOD REPAIR.—Section 11103(a) of the Passenger Rail  
11 Reform and Investment Act of 2015 (Public Law 114–  
12 94) is amended—

13 (1) in paragraph (4) by striking  
14 “\$300,000,000” and inserting “\$600,000,000”;

15 (2) in paragraph (5) by striking  
16 “\$300,000,000” and inserting “\$612,000,000”; and

17 (3) by adding at the end the following:

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

19 (g) RESTORATION AND ENHANCEMENT GRANTS.—  
20 Section 11104(a) of the Passenger Rail Reform and In-  
21 vestment Act of 2015 (Public Law 114–94) is amended  
22 by striking “\$20,000,000 for each of fiscal years 2016  
23 through 2020.” and inserting “the following amounts:

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

25 “(2) For fiscal year 2020, \$25,500,000.

1 “(3) For fiscal year 2021, \$26,010,000.”.

2 (h) AMTRAK OFFICE OF INSPECTOR GENERAL.—  
3 Section 11105 of the Passenger Rail Reform and Invest-  
4 ment Act of 2015 (Public Law 114–94) is amended by  
5 adding at the end the following:

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

7 (i) TRANSPORTATION OF HAZARDOUS MATERIAL.—  
8 Section 5128 of title 49, United States Code, is amend-  
9 ed—

10 (1) in subsection (a)—

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

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

15 (C) by adding at the end the following:

16 “(6) \$62,000,000 for fiscal year 2021.”; and

17 (2) in subsections (b) through (d), by striking  
18 “2020” and inserting “2021” each place it appears.

19 **SEC. 205. NATIONALLY SIGNIFICANT FREIGHT AND HIGH-**  
20 **WAYS PROJECTS.**

21 (a) NOTIFICATION OF GRANTS NOT MADE.—

22 (1) IN GENERAL.—Not later than 15 days after  
23 the date on which the Secretary of Transportation  
24 makes a grant for each of fiscal years 2019, 2020,  
25 and 2021 for a project under section 117 of title 23,

1 United States Code, the Secretary shall notify, in  
2 writing, the Committee on Transportation and Infra-  
3 structure of the House of Representatives and the  
4 Committee on Environment and Public Works and  
5 the Committee on Commerce, Science, and Trans-  
6 portation of the Senate of any project eligible for a  
7 grant under such section that was not selected to re-  
8 ceive such a grant.

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

11 (A) a description of the project including—

12 (i) the name of the associated project  
13 sponsor, including the name of any project  
14 sponsor that has contributed, or is ex-  
15 pected to contribute, a non-Federal share  
16 of the cost of such project;

17 (ii) an estimate of the Federal, non-  
18 Federal, and total costs of such project;  
19 and

20 (iii) an identification of the non-Fed-  
21 eral support that exists for such project;  
22 and

23 (B) any evaluation of the project con-  
24 ducted by the Secretary.

1 (b) AUTHORIZATION.—Of the sums authorized under  
2 section 1101(a)(5) of the FAST Act (Public Law 114–  
3 94; 129 Stat. 1323) for fiscal years 2019, 2020, and 2021,  
4 the Secretary shall reserve \$200,000,000 in each such fis-  
5 cal year for allocation by an Act of Congress.

6 (c) ALLOCATION.—Sums reserved under subsection  
7 (b)—

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

10 (2) shall remain available until expended.

## 11 **Subtitle B—Water Resources**

### 12 **SEC. 211. WIFIA REAUTHORIZATION.**

13 (a) AUTHORITY TO PROVIDE ASSISTANCE.—Section  
14 5023 of the Water Resources Reform and Development  
15 Act of 2014 (33 U.S.C. 3902) is amended—

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

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

20 (b) DETERMINATION OF ELIGIBILITY AND PROJECT  
21 SELECTION.—Section 5028(a)(1) of the Water Resources  
22 Reform and Development Act of 2014 (33 U.S.C.  
23 3907(a)(1)) is amended by striking “2 rating agencies”  
24 each place it appears and inserting “1 rating agency”.

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

4 (1) in paragraph (2)(A), by striking “49 per-  
5 cent” and inserting “80 percent”;

6 (2) by amending paragraph (6) to read as fol-  
7 lows:

8 “(6) NONSUBORDINATION.—

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

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

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

23 “(ii) the secured loan is secured and  
24 payable from pledged revenues not affected  
25 by project performance, such as a tax-



1           backed revenue pledge or a system-backed  
2           pledge of project revenues, or by a general  
3           obligation pledge of a State or munici-  
4           pality.”; and

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

7           (d) PROGRAM ADMINISTRATION.—Section 5030 of  
8 the Water Resources Reform and Development Act of  
9 2014 (33 U.S.C. 3909) is amended by redesignating sub-  
10 section (e) as subsection (f) and inserting after subsection  
11 (d) the following:

12           “(e) AGREEMENTS.—

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

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

22                 “(3) TRANSFER OF FUNDS.—The Secretary  
23           may transfer funds appropriated pursuant to section  
24           5033 to the Administrator to carry out an agree-  
25           ment entered into under paragraph (1).

1           “(4) LIMITATION.—Nothing in this subsection  
2 affects the authority of the Administrator with re-  
3 spect to the selection of projects described in para-  
4 graphs (1), (8), or (10) of section 5026 to receive  
5 financial assistance under this subtitle.”.

6           (e) FUNDING.—

7           (1) IN GENERAL.—Section 5033(a) of the  
8 Water Resources Reform and Development Act of  
9 2014 (33 U.S.C. 3912(a)) is amended—

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

12           (B) in paragraph (5), by striking the pe-  
13 riod and inserting “; and”; and

14           (C) by adding at the end the following:

15           “(6) \$50,000,000 for each of fiscal years 2020  
16 through 2024.”.

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

20           (A) by striking “the Secretary or the Ad-  
21 ministrator, as applicable, may use” and insert-  
22 ing “the Secretary and the Administrator may  
23 each use”; and

24           (B) by striking “\$2,200,000 for each of  
25 fiscal years 2015 through 2019” and inserting

1           “\$6,000,000 for each of fiscal years 2019  
2           through 2024”.

3           (3) STATE INFRASTRUCTURE FINANCING AU-  
4           THORITY PROJECTS.—Section 5033 of the Water  
5           Resources Reform and Development Act of 2014 (33  
6           U.S.C. 3912) is amended by redesignating sub-  
7           section (d) as subsection (e) and inserting after sub-  
8           section (c) the following:

9           “(d) STATE INFRASTRUCTURE FINANCING AUTHOR-  
10          ITY PROJECTS.—

11           “(1) ADDITIONAL ASSISTANCE.—The Adminis-  
12          trator may use funds made available to carry out  
13          this subtitle for costs related to processing and re-  
14          viewing an application from a State infrastructure  
15          financing authority for a project described in section  
16          5026(9) (including costs related to underwriting)  
17          that would otherwise be charged to the State infra-  
18          structure financing authority.

19           “(2) NO DUPLICATE REVIEWS REQUIRED.—For  
20          any environmental or engineering review required by  
21          law with respect to a project described in section  
22          5026(9) for which the eligible entity is a State infra-  
23          structure financing authority, which has been com-  
24          pleted by the eligible entity prior to applying for as-  
25          sistance under this subtitle, the Administrator may

1 not require the eligible entity to carry out a dupli-  
2 cate environmental or engineering review as a condi-  
3 tion of receiving such assistance.

4 “(3) EXPEDITED REVIEW OF APPLICATIONS.—  
5 Not later than 180 days after the date on which the  
6 Administrator receives a complete application for a  
7 project described in section 5026(9) from a State in-  
8 frastructure financing authority, the Administrator  
9 shall, through a written notice to the State infra-  
10 structure financing authority—

11 “(A) approve the application; or

12 “(B) deny the application and provide an  
13 explanation as to why the application was de-  
14 nied.”.

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

20 (f) REPORTS ON PILOT PROGRAM IMPLEMENTA-  
21 TION.—Section 5034 of the Water Resources Reform and  
22 Development Act of 2014 (33 U.S.C. 3913) is amended—

23 (1) in the section heading, by striking  
24 “**PILOT**”; and

1           (2) in subsection (b)(1), by striking “4 years  
2           after the date of enactment of this Act” and insert-  
3           ing “3 years after the date of enactment of the  
4           \_\_\_\_\_ Act of 2018”.

5 **SEC. 212. TECHNICAL ASSISTANCE FOR RURAL AND SMALL**  
6 **TREATMENT WORKS.**

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

10           (1) by striking “and” at the end of paragraph  
11           (6);

12           (2) by striking the period at the end of para-  
13           graph (7) and inserting “; and”; and

14           (3) by adding at the end the following:

15           “(8) make grants to nonprofit organizations—

16                   “(A) to provide technical assistance to  
17                   rural, small, and tribal municipalities for the  
18                   purpose of assisting, in consultation with the  
19                   State in which the assistance is provided, such  
20                   municipalities and tribal governments in the  
21                   planning, developing, and acquisition of financ-  
22                   ing for eligible projects described in section  
23                   603(c);

24                   “(B) to provide technical assistance and  
25                   training for rural, small, and tribal publicly

1 owned treatment works and decentralized  
2 wastewater treatment systems to enable such  
3 treatment works and systems to protect water  
4 quality and achieve and maintain compliance  
5 with the requirements of this Act; and

6 “(C) to disseminate information to rural,  
7 small, and tribal municipalities and municipali-  
8 ties that meet the affordability criteria estab-  
9 lished under section 603(i)(2) by the State in  
10 which the municipality is located with respect to  
11 planning, design, construction, and operation of  
12 publicly owned treatment works and decentral-  
13 ized wastewater treatment systems.”.

14 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
15 104(u) of the Federal Water Pollution Control Act (33  
16 U.S.C. 1254(u)) is amended—

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

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

1 **SEC. 213. STATE MANAGEMENT ASSISTANCE.**

2 (a) AUTHORIZATION OF APPROPRIATIONS.—Section  
3 106(a) of the Federal Water Pollution Control Act (33  
4 U.S.C. 1256(a)) is amended—

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

6 (1);

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

9 (3) by inserting after paragraph (2) the fol-  
10 lowing:

11 “(3) such sums as may be necessary for each  
12 of fiscal years 1991 through 2018, and  
13 \$300,000,000 for each of fiscal years 2019 through  
14 2023;”.

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

19 **SEC. 214. WATERSHED PILOT PROJECTS.**

20 Section 122(c) of the Federal Water Pollution Con-  
21 trol Act (33 U.S.C. 1274(c)) is amended to read as fol-  
22 lows:

23 “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
24 is authorized to be appropriated to carry out this section  
25 \$25,000,000 for each of fiscal years 2019 through 2023.”.

1 **SEC. 215. NONPOINT SOURCE MANAGEMENT PROGRAMS.**

2 Section 319(j) of the Federal Water Pollution Control  
3 Act (33 U.S.C. 1329(j)) is amended by striking  
4 “\$70,000,000” and all that follows through “fiscal year  
5 1991” and inserting “\$200,000,000 for each of fiscal  
6 years 2019 through 2023”.

7 **SEC. 216. STATE WATER POLLUTION CONTROL REVOLVING**  
8 **FUNDS.**

9 (a) CAPITALIZATION GRANT AGREEMENTS.—Section  
10 602(b) of the Federal Water Pollution Control Act (33  
11 U.S.C. 1382(b)) is amended—

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

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

16 (3) by adding at the end the following:

17 “(15) the State will use at least 10 percent of  
18 the amount of each capitalization grant received by  
19 the State under this title after September 30, 2018,  
20 to provide assistance to municipalities of fewer than  
21 10,000 individuals that meet the affordability cri-  
22 teria established by the State under section  
23 603(i)(2) for projects or activities included on the  
24 State’s priority list under section 603(g), to the ex-  
25 tent that there are sufficient applications for such  
26 assistance.”.



1 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
2 607 of the Federal Water Pollution Control Act (33  
3 U.S.C. 1387) is amended—

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

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

8 (3) by adding at the end the following:

9 “(6) \$3,000,000,000 for each of fiscal  
10 years 2019 through 2023.”.

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

14 **“SEC. 609. TECHNICAL ASSISTANCE.**

15 “(a) SIMPLIFIED PROCEDURES.—Not later than 1  
16 year after the date of enactment of this section, the Ad-  
17 ministrator shall assist the States in establishing sim-  
18 plified procedures for treatment works to obtain assistance  
19 under this title.

20 “(b) PUBLICATION OF MANUAL.—Not later than 2  
21 years after the date of the enactment of this section, and  
22 after providing notice and opportunity for public comment,  
23 the Administrator shall publish a manual to assist treat-  
24 ment works in obtaining assistance under this title and

1 publish in the Federal Register notice of the availability  
2 of the manual.”.

3 **SEC. 217. HARBOR MAINTENANCE TRUST FUND DISCRE-**  
4 **TIONARY SPENDING LIMIT ADJUSTMENT.**

5 Section 251(b)(2) of the Balanced Budget and Emer-  
6 gency Deficit Control Act of 1985 is amended by adding  
7 at the end the following:

8 “(G) HARBOR MAINTENANCE TRUST  
9 FUND.—

10 “(i) IN GENERAL.—If a bill or joint  
11 resolution making appropriations for a fis-  
12 cal year is enacted that specifies amounts  
13 for harbor maintenance activities, then the  
14 adjustments for that fiscal year shall be  
15 the total of such appropriations provided in  
16 that Act for such activities for that fiscal  
17 year, but shall not exceed the aggregate of  
18 amounts appropriated, transferred, or  
19 credited to the Harbor Maintenance Trust  
20 Fund under section 9505(a) of the Inter-  
21 nal Revenue Code of 1986 for the fiscal  
22 year before the current year.

23 “(ii) HARBOR MAINTENANCE ACTIVI-  
24 TIES.—The term ‘harbor maintenance ac-  
25 tivities’ means the total amount made

1 available by appropriations Acts from the  
2 Harbor Maintenance Trust Fund for a fis-  
3 cal year for making expenditures under  
4 section 9505(c) of the Internal Revenue  
5 Code of 1986.”.

## 6 **Subtitle C—Economic Development**

### 7 **SEC. 221. ECONOMIC DEVELOPMENT ADMINISTRATION RE-** 8 **AUTHORIZATION.**

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

## 13 **TITLE III—INNOVATIVE** 14 **PROJECT FINANCE**

### 15 **SEC. 301. AUTHORIZATION FOR CREDIT RISK PREMIUM** 16 **PAYMENTS FOR RAILROAD REHABILITATION** 17 **AND IMPROVEMENT FINANCING.**

18 There are authorized to be appropriated to the Sec-  
19 retary of Transportation for the cost of direct loans and  
20 loan guarantees pursuant to sections 501 through 504 of  
21 the Railroad Revitalization and Regulatory Reform Act of  
22 1976 (45 U.S.C. 801 et seq.) the following amounts:

- 23 (1) For fiscal year 2019, \$50,000,000.
- 24 (2) For fiscal year 2020, \$51,000,000.
- 25 (3) For fiscal year 2021, \$52,020,000.

1 **SEC. 302. PUBLIC BUILDINGS PUBLIC-PRIVATE PARTNER-**  
2 **SHIP PILOT PROGRAM.**

3 (a) IN GENERAL.—Chapter 33 of title 40, United  
4 States Code is amended by adding at the end the fol-  
5 lowing:

6 **“§ 3318. Public buildings public-private partnership**  
7 **pilot program.**

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

12 “(b) IDENTIFICATION OF PROJECTS.—Not later than  
13 1 year after the date of enactment of this section, the Ad-  
14 ministrator shall identify not less than 3 and not more  
15 than 5 projects for acquiring space for the purposes of  
16 public buildings using public-private partnerships.

17 “(c) SUBMISSION OF PROSPECTUSES.—Not later  
18 than 2 years after the date of enactment of this section,  
19 the Administrator shall submit to the Committee on  
20 Transportation and Infrastructure of the House of Rep-  
21 resentatives and the Committee on Environment and Pub-  
22 lic Works of the Senate prospectuses, in accordance with  
23 section 3307 for each project identified under subsection  
24 (b).

25 “(d) COMMENCEMENT.—Subject to the availability of  
26 appropriations, a project submitted under subsection (c)

1 that is authorized pursuant to section 3307 shall com-  
2 mence not later than 1 year after the date on which such  
3 authorization occurs.

4 “(e) EXPERTS AND CONSULTANTS.—

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

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

15 “(f) COMPLIANCE WITH BUDGETARY RULES.—For  
16 budgetary scorekeeping purposes, a project carried out  
17 under this section shall be treated in a manner consistent  
18 with the requirements for scoring a leaseback from a pub-  
19 lic-private partnership under Appendix B of Circular A-  
20 11 of the Office of Management and Budget, as of the  
21 date of enactment of this section.

22 “(g) GAO STUDY.—Not later than 1 year after the  
23 occupancy of projects authorized under this section, the  
24 Comptroller General of the United States shall conduct  
25 a review of such projects and submit to the Committee

1 on Transportation and Infrastructure of the House of  
2 Representatives and the Committee on Environment and  
3 Public Works of the Senate a report that includes—

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

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

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

14           “(1) ADMINISTRATOR.—The term ‘Adminis-  
15 trator’ means the Administrator of General Services.

16           “(2) PUBLIC BUILDING.—The term ‘public  
17 building’ has the meaning given the term in section  
18 3301.

19           “(3) PUBLIC-PRIVATE PARTNERSHIP.—The  
20 term ‘public-private partnership’ means a real prop-  
21 erty agreement for the purposes of providing office  
22 space for the Federal Government that meets the  
23 following criteria:

1           “(A) The agreement includes a ground-  
2           lease to a non-Federal party with a subsequent  
3           lease back of the improvements.

4           “(B) The entity that is the lessor of the  
5           leaseback of improvements is entirely non-Fed-  
6           eral.

7           “(C) The leaseback meets the criteria for  
8           an operating lease under Appendix B of Cir-  
9           cular A–11 of the Office of Management and  
10          Budget, as of the date of enactment of this sec-  
11          tion.”.

12          (b) CONFORMING AMENDMENT.—The table of sec-  
13          tions at the beginning of chapter 33 of title 40, United  
14          States Code, is amended by adding at the end the fol-  
15          lowing:

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

16          **SEC. 303. FEDERAL CAPITAL REVOLVING FUND.**

17          (a) PURPOSE.—The purpose of this section is to im-  
18          prove how the Federal Government budgets for expensive  
19          federally owned civilian facilities by making two basic in-  
20          novations to traditional budgeting—

21                (1) create a mandatory revolving fund to pay  
22                the upfront cost of acquiring expensive facilities so  
23                that the acquisition costs do not compete with small-  
24                er purchases and operating expenses for funding  
25                under the discretionary spending limits; and

1           (2) require agencies to use discretionary appro-  
2           priations to replenish the revolving fund over several  
3           years as they use facilities to meet their Federal  
4           mission needs.

5           (b) DEFINITIONS.—In this section, the following defi-  
6           nitions apply:

7           (1) ADMINISTRATOR.—The term “Adminis-  
8           trator” means the Administrator of General Serv-  
9           ices.

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

14          (3) DIRECTOR.—The term “Director” means  
15          the Director of the Office of Management and Budg-  
16          et.

17          (4) DISCRETIONARY APPROPRIATIONS; DIRECT  
18          SPENDING.—The terms “discretionary appropria-  
19          tions” and “direct spending” have the meanings  
20          given such terms in section 250(c) of the Balanced  
21          Budget and Emergency Deficit Control Act of 1985.

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



1 in which Federal personnel perform the agency mis-  
2 sion.

3 (6) FUND.—The term “Fund” means the Fed-  
4 eral Capital Revolving Fund established pursuant to  
5 subsection (c).

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

7 (A) a Federal facility acquired by an agen-  
8 cy for its use (including site, design, manage-  
9 ment and inspection, construction, and commis-  
10 sioning) whether by purchase, construction,  
11 manufacture, lease-purchase, installment pur-  
12 chase, outlease-leaseback, exchange, or mod-  
13 ernization by renovation; which may include  
14 purchases of associated furniture, fixtures, and  
15 equipment necessary to furnish the Federal fa-  
16 cility for initial occupancy; and

17 (B) a one-time administrative fee, to be  
18 paid to the Administrator, of .03 percent of the  
19 total costs associated with subparagraph (A),  
20 with a combined total cost of at least  
21 \$250,000,000. The term excludes items ac-  
22 quired for resale in the ordinary course of oper-  
23 ations, consumable goods such as operating ma-  
24 terials and supplies, normal maintenance and  
25 repair of real property, salaries and other oper-

1           ating expenses of agencies, grants to non-Fed-  
2           eral entities, tax incentives, Federal credit as-  
3           sistance provided to non-Federal entities, and  
4           capital leases pursuant to which title does not  
5           automatically pass to the Government.

6           (8) PURCHASE TRANSFER.—The term “pur-  
7           chase transfer” means an amount approved by an  
8           appropriations Act to be transferred from the Fund,  
9           to remain available until expended, to pay for the  
10          costs of a project. The amount must be sufficient to  
11          pay for the full costs, at a minimum, of a usable  
12          segment of a Federal facility and the administrative  
13          fee.

14          (9) PURCHASING AGENCY.—The term “pur-  
15          chasing agency” means a landholding agency that  
16          has existing real property authorities to acquire a  
17          Federal facility and carry out projects as defined by  
18          this section pursuant to such authorities and that  
19          receives a purchase transfer from the Fund to pay  
20          the full costs of a project.

21          (c) ESTABLISHMENT OF FEDERAL CAPITAL REVOLV-  
22          ING FUND.—There is hereby established in the Treasury  
23          a Federal Capital Revolving Fund to pay for the costs of  
24          projects approved pursuant to this section, subject to the  
25          following requirements:

1           (1) ADMINISTRATION OF FUND.—The Fund  
2 shall be subject to the supervision and management  
3 of the Administrator in accordance with this section.

4           (2) PERMISSIBLE USES.—Amounts in the Fund  
5 are available only for transfer to purchasing agencies  
6 to pay for the costs of approved projects.

7           (3) PRIOR APPROVAL OF PURCHASE TRANS-  
8 FERS.—Amounts in the Fund shall be transferred to  
9 a purchasing agency to pay for the costs of a project  
10 if—

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

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

18           (C) the project is designated by Congress  
19 in statute or, in the case of the Administrator,  
20 is authorized pursuant to section 3307 of title  
21 40, United States Code, as an approved project.

22           (4) PURCHASE TRANSFER LIMIT.—Notwith-  
23 standing the amount approved by an appropriations  
24 Act for a purchase transfer, if the amount available  
25 to the purchasing agency for the first repayment

1 amount is less than the amount required by sub-  
2 section (e)(3), the amount transferred from the  
3 Fund shall be equal to the product of the first re-  
4 payment amount and the number of years in the re-  
5 payment period.

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

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

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

21 (6) ANNUAL LIMITATION ON TOTAL PURCHASE  
22 TRANSFERS.—Total new purchase transfers ap-  
23 proved in appropriations Acts may not exceed  
24 \$2,500,000,000 per year plus any cumulative unused  
25 limitation in prior fiscal years.

1           (7) EXCESS PURCHASE TRANSFER AMOUNTS.—

2           If for any year the sum of approved purchase trans-  
3           fers exceeds the amounts available in the Fund or  
4           the annual limitation specified in paragraph (6),  
5           each transfer amount approved by such appropria-  
6           tions Acts shall be reduced by a uniform percentage  
7           calculated by the Administrator such that the excess  
8           is eliminated, and the Administrator shall not trans-  
9           fer more than the reduced purchase transfer amount  
10          calculated for each project.

11          (8) PAYMENT OF ONE-TIME ADMINISTRATIVE  
12          FEE.—Upon receipt of the purchase transfer, the  
13          purchasing agency shall pay the Administrator from  
14          the purchase transfer the applicable one-time admin-  
15          istrative fee.

16          (d) FUNDING.—

17          (1) IN GENERAL.—The following amounts are  
18          authorized to be appropriated for deposit into the  
19          Fund:

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

22                  (B) Repayment amounts received from a  
23                  purchasing agency.

1           (2) AVAILABILITY OF FUNDS.—Amounts depos-  
2       ited into the Fund shall remain available until ex-  
3       pended.

4       (e) REPAYMENTS BY PURCHASING AGENCIES.—

5           (1) REQUIREMENT TO REPAY FUND.—Purchase  
6       transfers from the Fund to pay for the costs of an  
7       approved project shall not be made unless the pur-  
8       chasing agency enters into an agreement with the  
9       Administrator, in writing, to repay the Fund con-  
10      sistent with this section. An appropriation provided  
11      by Congress to a purchasing agency consistent with  
12      this section for repayment to the Fund for any year  
13      shall constitute a legal obligation of the purchasing  
14      agency in that year for repayment to the Fund equal  
15      to the repayment amount available for that year.

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

24          (3) REPAYMENT AMOUNT.—

1           (A) IN GENERAL.—The annual repayment  
2           amount to recapitalize the Fund shall be a level  
3           amount equal to the purchase transfer divided  
4           by the number of years in the repayment pe-  
5           riod.

6           (B) TIMING OF REPAYMENTS.—Each re-  
7           payment amount shall be paid to the Fund in  
8           the year for which it is appropriated.

9           (C) ADJUSTMENTS TO REPAYMENT  
10          AMOUNTS.—After the first repayment amount  
11          for a project is paid to the Fund, the Adminis-  
12          trator shall adjust each remaining repayment  
13          amount by a uniform amount so that the sum  
14          of the repayment amounts, including repayment  
15          amounts already paid to the Fund, equals the  
16          actual cost of the project, in any case in  
17          which—

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

20                 (ii) the actual cost is higher than the  
21                 purchase transfer and an additional pur-  
22                 chase transfer for the difference has been  
23                 approved in advance in an appropriations  
24                 Act;

1 (iii) repayments by the purchasing  
2 agency exceed the annual repayment  
3 amount; or

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

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

9 (A) APPLICABLE AUTHORITIES.—Disposi-  
10 tion of the project shall be accomplished in ac-  
11 cordance with any applicable authorities.

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

18 (C) SALE PROCEEDS.—If the disposition of  
19 the project results in the receipt of sale pro-  
20 ceeds, such receipts shall be available—

21 (i) first, to the purchasing agency to  
22 pay any remaining unpaid repayment  
23 amounts owed by the purchasing agency  
24 for the project; and



1                   (ii) second, to the purchasing agency,  
2                   or to the General Services Administration  
3                   in the case of a project held in the General  
4                   Services Administration inventory, to sup-  
5                   port authorized real property activities ex-  
6                   cluding operations and maintenance.

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

12                  (5) CHANGE IN NEED FOR OR CONDITION OF  
13                  ASSET.—Any change in the purchasing agency's  
14                  mission need for the project or in the condition of  
15                  the project does not alter the repayment require-  
16                  ments in this subsection.

17                  (f) TRANSFERS BETWEEN FUND AND PURCHASING  
18                  AGENCIES.—

19                  (1) EXPENDITURE TRANSFERS.—All purchase  
20                  transfers to purchasing agencies, payments of the  
21                  one-time administrative fee, and transfers of repay-  
22                  ment amounts to the Fund shall be expenditure  
23                  transfers and shall be recorded as such.

24                  (2) AVAILABILITY AND PURPOSE.—Subject to  
25                  paragraph (3), purchase transfers to purchasing

1 agencies shall remain available until expended solely  
2 to pay for the costs of approved projects and may  
3 not be transferred or reprogrammed for any other  
4 purpose.

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

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

15 (B) If, after the return of the unused pur-  
16 chase transfer amounts pursuant to subpara-  
17 graph (A) occurs, there is an upward adjust-  
18 ment to a previously incurred project obligation,  
19 the Fund shall provide an expenditure transfer  
20 for such upward adjustment to the appropriate  
21 agency account of the lower of the amount re-  
22 turned pursuant to subparagraph (A) and the  
23 amount of the upward adjustment to the pre-  
24 viously incurred obligation.

1 (g) BUDGET ENFORCEMENT.—The following rules  
2 shall apply to budget enforcement under the Congressional  
3 Budget Act of 1974, the Balanced Budget and Emergency  
4 Deficit Control Act of 1985, and the Statutory Pay-As-  
5 You-Go Act of 2010.

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

16 (2) DISCRETIONARY APPROPRIATIONS.—Appro-  
17 priations to purchasing agencies for annual repay-  
18 ments to the Fund shall be considered discretionary  
19 appropriations and shall be scored in the year for  
20 which such appropriations are made available by an  
21 appropriations Act.

22 (3) CHANGES TO FUND BALANCE.—Any provi-  
23 sion enacted in an appropriations Act that—

24 (A) rescinds or precludes from obligation  
25 balances in the Fund;

1 (B) rescinds or precludes from obligation  
2 balances of approved purchase transfers; or

3 (C) reduces the annual limitation on total  
4 purchase transfers in subsection (c)(6),  
5 shall be considered budgetary effects for purposes of  
6 the Statutory Pay-As-You-Go Act of 2010 and shall  
7 not be included in the estimates under section  
8 251(a)(7) of the Balanced Budget and Emergency  
9 Deficit Control Act of 1985.

10 (4) FAILURE TO APPROPRIATE REPAYMENTS.—

11 If a bill making appropriations for a fiscal year pro-  
12 vides a first repayment amount for an approved  
13 project and such appropriations bill for a subsequent  
14 fiscal year during the repayment period fails to pro-  
15 vide the repayment amount required for that fiscal  
16 year, an amount equal to the required repayment,  
17 calculated pursuant to subsection (e)(3), shall never-  
18 theless be included in the estimates under section  
19 251(a)(7) of the Balanced Budget and Emergency  
20 Deficit Control Act of 1985.

21 (5) TRANSFERS AND REPROGRAMMING.—If,  
22 notwithstanding subsection (f)(2), a provision in an  
23 appropriations Act authorizes or requires—

1 (A) a transfer of balances in the Fund for  
2 any purpose other than to cover the costs of  
3 projects approved pursuant to this section; or

4 (B) a purchasing agency to transfer or re-  
5 program a purchase transfer for a purpose  
6 other than paying the costs of projects ap-  
7 proved pursuant to this section,

8 such amount shall be included in the estimates of  
9 discretionary appropriations under section 251(a)(7)  
10 of the Balanced Budget and Emergency Deficit Con-  
11 trol Act of 1985.

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

22 (i) APPROVED PROJECTS.—If an appropriations Act  
23 approves a purchase transfer to a purchasing agency other  
24 than the General Services Administration for the costs of  
25 a project to be held in the inventory of the General Serv-

1 ices Administration, the following requirements shall  
2 apply:

3 (1) PURCHASE TRANSFER AMOUNT.—The pur-  
4 chasing agency shall immediately pay the purchase  
5 transfer amount, excluding any amount included for  
6 furniture, fixtures, and equipment, to the Adminis-  
7 trator for deposit into the Federal Buildings Fund.

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

13 (3) CUSTODY AND CONTROL.—The project shall  
14 be under the custody and control of the Adminis-  
15 trator.

16 (4) ANNUAL REPAYMENTS.—The purchasing  
17 agency shall continue to be responsible for making  
18 annual repayments to the Fund in accordance with  
19 subsection (e)(2).

20 **SEC. 304. REENACTMENT OF COAST GUARD HOUSING AU-**  
21 **THORITIES.**

22 (a) IN GENERAL.—Chapter 18 of title 14, United  
23 States Code, is amended as follows:

24 (1) By inserting after section 681 the following:

1 **“§ 682. Direct loans and loan guarantees**

2 “(a) DIRECT LOANS.—

3 “(1) Subject to subsection (c), the Secretary  
4 may make direct loans to an eligible entity in order  
5 to provide funds to the eligible entity for the acquisi-  
6 tion or construction of housing units that the Sec-  
7 retary determines are suitable for use as military  
8 family housing or as military unaccompanied hous-  
9 ing.

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

17 “(b) LOAN GUARANTEES.—

18 “(1) Subject to subsection (c), the Secretary  
19 may guarantee a loan made to any person in the pri-  
20 vate sector if the proceeds of the loan are to be used  
21 by the person to acquire, or construct housing units  
22 that the Secretary determines are suitable for use  
23 as, military family housing or military unaccom-  
24 panied housing.

1           “(2) The amount of a guarantee of a loan that  
2           may be provided under paragraph (1) may not ex-  
3           ceed the amount equal to the lesser of—

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

5                   or

6                   “(B) the outstanding principal of the loan.

7           “(3) The Secretary shall establish such terms  
8           and conditions with respect to guarantees of loans  
9           under this subsection as the Secretary considers ap-  
10          propriate to protect the interests of the United  
11          States, including the rights and obligations of the  
12          United States with respect to such guarantees.

13          “(4) The funds for the loan guarantees entered  
14          into under this section shall be held in the Coast  
15          Guard Housing Fund under section 687. The Sec-  
16          retary may purchase mortgage insurance to guar-  
17          antee loans in lieu of guaranteeing loans directly  
18          against funds held in the Coast Guard Housing  
19          Fund.

20          “(c) LIMITATION ON AUTHORITY.—Direct loans and  
21          loan guarantees may be made under this section only to  
22          the extent that appropriations of budget authority to cover  
23          their cost (as defined in section 502(5) of the Federal  
24          Credit Reform Act of 1990 (2 U.S.C. 661a(5))) are made  
25          in advance, or authority is otherwise provided in appro-



1 priations Acts. If such appropriation or other authority  
2 is provided, there may be established a financing account  
3 (as defined in section 502(7) of such Act (2 U.S.C.  
4 661a(7))) that shall be available for the disbursement of  
5 payment of claims for payment on loan guarantees under  
6 this section and for all other cash flows to and from the  
7 Government as a result of guarantees made under this sec-  
8 tion.

9 **“§ 683. Leasing of housing to be constructed**

10 “(a) BUILD AND LEASE AUTHORIZED.—The Sec-  
11 retary may enter into contracts for the lease of military  
12 family housing units or military unaccompanied housing  
13 units to be constructed under this chapter.

14 “(b) LEASE TERMS.—A contract under this section  
15 may be for any period that the Secretary determines ap-  
16 propriate and may provide for the owner of the leased  
17 property to operate and maintain the property.

18 **“§ 684. Limited partnerships with eligible entities**

19 “(a) LIMITED PARTNERSHIPS AUTHORIZED.—The  
20 Secretary may enter into limited partnerships with eligible  
21 entities carrying out projects for the acquisition or con-  
22 struction of housing units suitable for use as military fam-  
23 ily housing or as military unaccompanied housing.

24 “(b) LIMITATION ON VALUE OF INVESTMENT IN LIM-  
25 ITED PARTNERSHIP.—

1           “(1) The cash amount of an investment under  
2 this section in an eligible entity may not exceed an  
3 amount equal to  $33\frac{1}{3}$  percent of the capital cost (as  
4 determined by the Secretary) of the project or  
5 projects that the entity proposes to carry out under  
6 this section with the investment.

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

15           “(3) In this subsection the term ‘capital cost’,  
16 with respect to a project for the acquisition or con-  
17 struction of housing, means the total amount of the  
18 costs included in the basis of the housing for Fed-  
19 eral income tax purposes.

20           “(c) COLLATERAL INCENTIVE AGREEMENTS.—The  
21 Secretary shall enter into collateral incentive agreements  
22 with eligible entities in which the Secretary makes an in-  
23 vestment under this section to ensure that a suitable pref-  
24 erence will be afforded members of the Armed Forces and  
25 their dependents in the lease or purchase, as the case may

1 be, of a reasonable number of the housing units covered  
2 by the investment.”.

3 (2) By inserting after section 685 the following:

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

6 “(a) IN GENERAL.—The Secretary may assign mem-  
7 bers of the Armed Forces to housing units acquired or  
8 constructed under this chapter.

9 “(b) EFFECT OF CERTAIN ASSIGNMENTS ON ENTI-  
10 TLEMENT TO HOUSING ALLOWANCES.—

11 “(1) Except as provided in paragraph (2), hous-  
12 ing referred to in subsection (a) shall be considered  
13 as quarters of the United States or a housing facil-  
14 ity under the jurisdiction of a uniformed service for  
15 purposes of section 403(e) of title 37.

16 “(2) A member of the Armed Forces who is as-  
17 signed in accordance with subsection (a) to a hous-  
18 ing unit not owned or leased by the United States  
19 shall be entitled to a basic allowance for housing  
20 under section 403 of title 37.

21 “(c) LEASE PAYMENTS THROUGH PAY ALLOT-  
22 MENTS.—The Secretary may require members of the  
23 Armed Forces who lease housing in housing units acquired  
24 or constructed under this chapter to make lease payments

1 for such housing pursuant to allotments of the pay of such  
2 members under section 701 of title 37.”.

3 (3) By inserting after section 687 the following:

4 **“§ 687a. Differential lease payments**

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

14 (b) CLERICAL AMENDMENT.—The analysis at the be-  
15 ginning of such chapter is amended—

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

“682. Direct loans and loan guarantees.

“683. Leasing of housing to be constructed.

“684. Limited partnerships with eligible entities.”;

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

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

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

“687a. Differential lease payments.”.

1           **TITLE IV—ACCELERATING**  
2                           **PROJECT DELIVERY**

3   **SEC. 401. ONE FEDERAL DECISION.**

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

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

9           (2) in paragraph (3) by striking “project under  
10 a program referred to in subsection (d)(1)” and in-  
11 sserting “specified project that requires approval by  
12 the Department”; and

13           (3) by adding at the end the following:

14           “(4) **TWO-YEAR TIMETABLES.**—The Bureau, in  
15 coordination with the appropriate modal administra-  
16 tions within the Department and with other Federal  
17 agencies, shall ensure that a record of decision is  
18 issued for a specified project that requires approval  
19 by the Department not later than 2 years after the  
20 date on which a notice of intent is published pursu-  
21 ant to the National Environmental Policy Act of  
22 1969 (42 U.S.C. 4321 et seq.).

23           “(5) **PERMITTING DASHBOARD.**—The Bureau,  
24 in coordination with the appropriate modal adminis-  
25 trations within the Department, shall carry out the

1 activities required under section 139(o) of title 23,  
2 relating to the Permitting Dashboard established  
3 under section 41003(b) of the FAST Act (42 U.S.C.  
4 4370m–2(b)).

5 “(6) DEFINITIONS.—In this subsection, the fol-  
6 lowing definitions apply:

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

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

19 **SEC. 402. APPLICATION OF CATEGORICAL EXCLUSIONS**  
20 **FOR TRANSPORTATION PROJECTS.**

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

23 (1) in the section heading, by striking  
24 “**MULTIMODAL**” and inserting “**TRANSPOR-**  
25 **TATION**”;

1           (2) in subsection (a)(1), by striking “secretarial  
2           office” and inserting “secretarial office or the Sur-  
3           face Transportation Board”;

4           (3) in subsection (a)(2), by striking “secretarial  
5           office” and inserting “secretarial office or the Sur-  
6           face Transportation Board”;

7           (4) by inserting after subsection (a)(3) the fol-  
8           lowing:

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

15          (5) in the heading for subsection (c), by strik-  
16          ing “MULTIMODAL” and inserting “TRANSPOR-  
17          TATION”; and

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

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

“304. Application of categorical exclusions for transportation projects.”.

1 **SEC. 403. PILOT PROGRAM ON USE OF INNOVATIVE PRACTICES FOR ENVIRONMENTAL REVIEWS.**

2  
3 (a) DEFINITIONS.—In this section, the following definitions apply:

4  
5 (1) ENVIRONMENTAL REVIEW PROCESS.—The  
6 term “environmental review process” has the meaning given such term in section 139(a) of title 23,  
7 United States Code.

8  
9 (2) PARTICIPATING AGENCY.—The term “participating agency” means a Federal agency, other  
10 than the Department of Transportation, with an approval or consultation role in the environmental review process for a project.

11  
12 (3) PROJECT.—The term “project” means any  
13 highway project, public transportation capital  
14 project, airport project, intercity passenger or  
15 freight rail project, port project (including inland  
16 port and a land port of entry), or multimodal project  
17 that, if implemented as proposed by the project  
18 sponsor, would require approval by any operating  
19 administration or secretarial office within the Department of Transportation.

20  
21 (4) PROJECT SPONSOR.—The term “project sponsor” has the meaning given such term in section  
22 139(a) of title 23, United States Code.

23  
24 (b) ESTABLISHMENT.—  
25  
26



1           (1) IN GENERAL.—Not later than 180 days  
2 after the date of enactment of this Act, the Sec-  
3 retary of Transportation shall establish a pilot pro-  
4 gram to assess the use of innovative practices in the  
5 environmental review process of a project.

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

8           (A) integrating environmental planning or  
9 other techniques involving consideration of mul-  
10 tiple resources on a watershed or ecosystem  
11 scale;

12           (B) improving environmental mitigation  
13 and enhancement measures that will result in a  
14 substantial improvement over existing condi-  
15 tions in an ecosystem or watershed;

16           (C) using innovative technologies that en-  
17 able more effective public participation in deci-  
18 sionmaking; and

19           (D) focusing on environmental and trans-  
20 portation outcomes rather than processes.

21           (c) FLEXIBILITY.—Notwithstanding any other provi-  
22 sion of law, the Secretary may waive any requirement  
23 under any Federal law or regulation concerning the envi-  
24 ronmental review process for a project if—

1 (1) the head of a participating agency concurs;

2 and

3 (2) the Secretary and the head of a partici-  
4 pating agency determine that waiving such law or  
5 regulation is reasonably expected to—

6 (A) facilitate the use of an innovative prac-  
7 tice described in subsection (b)(2); and

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

11 (d) ELIGIBILITY.—

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

15 (2) STATUS OF ENVIRONMENTAL REVIEW PROC-  
16 ESS.—A project is eligible for selection if, at the  
17 time of selection, the environmental review process  
18 has not been initiated for such project.

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

21 (f) APPLICATION PROCESS.—

22 (1) IN GENERAL.—An applicant shall submit a  
23 written application in a form prescribed by the Sec-  
24 retary.

1           (2) REVIEW.—The Secretary, in coordination  
2 with the head of a participating agency, shall review  
3 applications for participation in the pilot program.

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

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

12           (1) the project sponsor is no longer in compli-  
13 ance with any conditions imposed under subsection  
14 (f)(3), if applicable; and

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

17           (h) REPORT.—

18           (1) IN GENERAL.—Not later than 3 years after  
19 the date on which the Secretary first approves an  
20 application for a project for the pilot program, the  
21 Secretary, in consultation with any participating  
22 agency involved in a project for the pilot program,  
23 shall submit to the Committee on Transportation  
24 and Infrastructure of the House of Representatives

1 and the Committee on Environment and Public  
2 Works of the Senate a report on the pilot program.

3 (2) CONTENTS.—The report described in para-  
4 graph (1) shall—

5 (A) identify each project and the innova-  
6 tive practices used for such project; and

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

9 **SEC. 404. SECTION 401 CERTIFICATION REFORM.**

10 Section 401(d) of the Federal Water Pollution Con-  
11 trol Act (33 U.S.C. 1341(d)) is amended—

12 (1) by inserting “water quality standard in ef-  
13 fect under section 303 of this Act,” before “stand-  
14 ard of performance”; and

15 (2) by inserting “water quality” before “re-  
16 quirement of State law”.