



WASHINGTON UPDATE

PREPARED BY CATHY CONNOR,
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After several weeks of mostly behind the scenes negotiations, late last week there were several developments in the effort to pass a major infrastructure bill.

The White House announced some progress in its discussions with Senate Republicans over the scope and cost of a broad infrastructure stimulus bill (although both sides are still very far apart), the Senate Environment & Public Works Committee released the text of its highway authorization bill and plans to mark it up on Wednesday, the House T&I Committee continued its work to draft an infrastructure bill but its schedule has slipped and introduction of a bill now will not occur until early to mid-June, and House T&I Committee Republicans released a slightly revised version of their 2020 surface transportation bill – “STARTER ACT 2.0”.

Senate EPW Highway Bill

Last year, in the previous Congress under a Republican majority, the Senate Environment & Public Works Committee (EPW), which has jurisdiction over the federal highway program, passed a **highway (only) authorization bill**, the “America’s Transportation Infrastructure Act” (ATIA) as one part of the Senate’s effort to pass a multi-year FAST Act surface transportation reauthorization bill. That bill died at the end of the 116th Congress. The FAST Act expires on September 30, 2021.

Senator Tom Carper (D-DE), the new Democratic majority chair of the EPW Committee, along with the **bi-partisan** leadership of the Committee, has revised the 2020 ATIA and late on Friday introduced a new version. The Committee plans to mark-up the bill this week on **May 26 at 9:45am**.

The “**Surface Transportation Reauthorization Act of 2021**” (**STRA**) authorizes \$303.5 billion over **five years** in contract authority for **highway programs** from the Highway Trust Fund and an additional \$7.8 billion from the General Fund (subject to annual appropriations), for a total investment of **\$311.3 billion** for Fiscal Years 2022-2026. This is a 34% funding increase over total FAST Act funding levels. The three top policy priorities according to the Committee are: climate change, safety, and equity. Ninety percent of the funding would go to state DOTs through formulas. The Senate bill does **not** include project earmarks.



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The full text (549 pages) of the STRA can be found [here](#). Additional materials include a [section-by-section](#) summary, tables for **state by state apportionments** and program [authorizations](#) and a Committee [press release](#).

Here are some key provisions of the bill with a focus on changes from last year's version:

- The funding increases in the bill would be front-loaded, with a \$9 billion bump in FY 2022, the first year of the bill (about 18%), and then 2% growth in the following years.
- \$7.25 billion for a new bridge rehabilitation grant program
- \$7.3 billion for PROTECT grants aimed at bolstering resilience, split between formula funds and competitive grants
- \$6.4 billion in a new carbon emissions reduction program, distributed by formula to states
- \$4.8 billion for INFRA freight and multimodal grants
- \$2.5 billion for grants for electric vehicle charging, hydrogen, propane, and natural gas refueling stations
- A new pilot program for reconnecting communities, to study the feasibility and impacts of removing, retrofitting, or mitigating existing transportation facilities that create barriers to mobility, access, or economic development
- A national vehicle-miles traveled (VMT) user fee pilot program, and reauthorization of existing surface transportation system funding alternatives program
- Codification of the One Federal Decision policy, two-year average timeline for completing Environmental Impact Statements, and other project delivery reforms
- Establishment of a performance measure for greenhouse gas emissions from transportation projects which directs US DOT and EPA to develop the data to be used in implementing such standards
- Dedication of funding to build out electric vehicle charging systems and expand current programs eligibility to support climate mitigation activities and emphasize resiliency to natural disasters.



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The other Senate committees with jurisdiction over surface transportation authorization have yet to produce their portions of an overall bill – Banking (transit), Commerce (airports/rail/Amtrak/highway safety) and Finance (funding/revenue).

White House Negotiations

President Biden and the Administration continue to negotiate with Senate Republicans over the cost and scope of a potentially massive infrastructure stimulus bill. The White House had proposed an eight-year, \$2.3 trillion “American Jobs Plan” that would fund a broad array of infrastructure programs and projects, including transportation, ports, water, energy, schools, broadband, federal buildings, etc. While the Democratic majority in the House has expressed support for the Plan, Senate Republicans (whose votes are needed to pass such a bill) are opposed to the funding levels, the “pay-fors” (such as corporate tax increases), the broad definition of infrastructure, and the priority placed on combating climate change.

Senate Republicans, under the leadership of Senator Shelley Moore Capito (R-WV), the senior Republican on the EPW Committee, initially presented a counter proposal of \$568 billion over five years with a focus primarily on the more traditional definition of infrastructure – roads, bridges, transit and airports – but with no specific funding source.

On Friday, the Biden Administration presented its counter-proposal to Capito’s offer. It offers to reduce total funding by \$550 billion, down to \$1.7 trillion. It would drop the R&D, manufacturing, and supply chain components of the original package, and reduce the supplemental funding for roads and bridges from \$160 billion to \$120 billion, and broadband from \$100 billion to \$65 billion.

The memo also underscores the desire to include missing pieces from the Republican Senate offer, such as investments in the power grid, environmental remediation, public buildings and other vertical construction, and child care and elder care programs. The memo also notes that the Republican proposals for drinking water, rail and transit, and resilience are inadequate. Lawmakers and Administration officials are expected to continue conversations next week.

House T&I Committee

The House T&I Committee is continuing to draft its version of a multi-year infrastructure bill – a revised version of HR 2, the “Moving Forward Act”, which the House passed last year on a mostly partisan vote. Chairman DeFazio (D-OR) had hoped to introduce and mark-up a bill



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by the Memorial Day recess, but now it appears the earliest the bill will be introduced and acted on is June 8 or 9. One of the holdups has been the effort to sort through the thousands of project earmark requests.

House Members requested a total of 2,380 **project earmarks** totaling \$14.9 billion – 1,775 by 213 Democratic members and 605 by 105 Republican members. The total amount requested is significantly more than is expected to be available. Rumor has it that each Member who requests earmarks is likely to receive approximately \$15M to \$20M in total funding for earmarks. Here is a [link](#) to the Committee website with information on the earmark requests. House members along with their project requests are listed in alphabetical order.

House T&I Republicans, led by Ranking Member Sam Graves (R-MO), have reintroduced their counter-proposal to the Democrats efforts – a revised version of the “STARTER Act” which they introduced in the previous Congress.

The “STARTER Act 2.0” provides approximately \$400 billion in funding over five years, a 32 percent increase over current FAST Act funding. A press release on the bill can be found [here](#), the section-by-section summary [here](#), and the full bill text [here](#). The bill is not expected to go very far in the Democrat-majority House, but its introduction underscores the lack of bi-partisan agreement in the House.