

115TH CONGRESS
1ST SESSION

H. R. 2347

To direct the Secretary of the Treasury to establish a regional infrastructure accelerator program to facilitate investments in and the financing of certain infrastructure projects, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 3, 2017

Mrs. TORRES (for herself and Mrs. NAPOLITANO) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To direct the Secretary of the Treasury to establish a regional infrastructure accelerator program to facilitate investments in and the financing of certain infrastructure projects, 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.**

4 This Act may be cited as the “Regional Infrastruc-
5 ture Accelerator Act of 2017”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to establish a regional in-
8 frastructure accelerator program that—

1 (1) facilitates and mobilizes investment in, and
2 the long-term financing of, economically viable cov-
3 ered infrastructure projects of regional or national
4 significance by providing funding for these projects,
5 including through private sector financing, to accel-
6 erate the delivery of high-quality, critical infrastruc-
7 ture facilities through a self-sustaining regional in-
8 frastructure accelerator that mitigates risk with
9 technical expertise and best practices; and

10 (2) encourages regional infrastructure accelera-
11 tors to provide assistance and communicate best
12 practices and financing and funding opportunities to
13 State, local, and regional public entities, to provide
14 assistance with applications for Federal funding op-
15 portunities, to promote innovative financing best
16 practices, and to reduce costs and risks to taxpayers.

17 **SEC. 3. REGIONAL INFRASTRUCTURE ACCELERATOR PRO-**
18 **GRAM.**

19 Using amounts appropriated under section 10(1), the
20 Secretary shall establish a regional infrastructure accel-
21 erator (RIA) program to provide initial and subsequent
22 grants to RIAs in accordance with the requirements of this
23 Act.

1 **SEC. 4. STRUCTURE OF REGIONAL INFRASTRUCTURE AC-**
2 **CELERATORS.**

3 (a) IN GENERAL.—To be eligible to receive a grant
4 under this Act, an RIA shall have a board of directors.

5 (b) BOARD OF DIRECTORS.—

6 (1) COMPOSITION.—The board of directors of
7 an RIA shall include at least 1 representative of a
8 State, local, or regional public entity in the area
9 served by the RIA.

10 (2) APPOINTMENT.—The members of the board
11 of directors of an RIA shall be initially appointed by
12 the person or entity that submitted an application
13 on behalf of the RIA under section 5(a). Subsequent
14 appointments to the board shall be made in accord-
15 ance with such bylaws as may be adopted by the
16 board.

17 (3) DUTIES.—The duties of the board of direc-
18 tors of an RIA shall include—

19 (A) developing a final regional infrastruc-
20 ture accelerator plan for the RIA, based on the
21 proposed plan submitted on behalf of the RIA
22 under section 5(b);

23 (B) selecting State, local, and regional
24 public entities to receive subgrants from the
25 RIA under section 6; and

1 (C) submitting a report to the Secretary
2 under subsection 5(d).

3 (4) REQUIREMENTS TO APPROVE PLAN.—In
4 carrying out its duties under paragraph (3)(A), the
5 board of directors of an RIA shall consider public
6 stakeholder input from—

7 (A) a public project sponsor with experi-
8 ence in infrastructure financing;

9 (B) an entity with the ability to finance
10 covered infrastructure projects in the area
11 served by the RIA, including private sector eq-
12 uity investors, public pension funds, endow-
13 ments, and other financial investment funds;

14 (C) a construction or real estate develop-
15 ment entity with the capacity to develop covered
16 infrastructure projects in the area served by the
17 RIA;

18 (D) a representative of an organized labor
19 association or an association of workers rep-
20 resenting labor and workplace standards;

21 (E) a legal expert with experience in con-
22 tract development and the execution of public-
23 private partnerships; and

24 (F) a representative of each Federal de-
25 partment or agency with jurisdiction over cov-

1 ered infrastructure projects being considered by
2 the RIA.

3 **SEC. 5. INITIAL GRANTS.**

4 (a) APPLICATION.—An RIA desiring a grant under
5 this section shall submit to the Secretary an application
6 at such time, in such manner, and containing such infor-
7 mation as the Secretary may reasonably require.

8 (b) PROPOSED PLAN.—An application submitted by
9 an RIA under subsection (a) shall include a proposed plan
10 that describes how the RIA will promote investment in
11 covered infrastructure projects—

12 (1) by providing guidance and feedback to
13 State, local, and regional public entities on infra-
14 structure priorities, financing strategies, and other
15 matters relating to such projects;

16 (2) by evaluating and promoting innovative
17 methods for financing such projects;

18 (3) by establishing connections between sources
19 of financing for such projects and appropriate State,
20 local, and regional public entities;

21 (4) by establishing standards to measure the
22 life-cycle costs of investments in such projects;

23 (5) by enhancing the capacity of State and local
24 governments to evaluate and structure such projects
25 that involve the investment of private capital; and

1 (6) by providing technical assistance and infor-
2 mation on best practices with respect to such
3 projects, including—

4 (A) identifying and selecting qualified advi-
5 sors, such as infrastructure financial analysts
6 and contract negotiators;

7 (B) incorporating resiliency risk analyses
8 into the planning and design of such projects;

9 (C) preparing and reviewing requests for
10 qualifications and proposals from private sector
11 partners; and

12 (D) applying standardized analyses and
13 processes that provide quantitative data on in-
14 frastructure investments, including a value-for-
15 money analysis.

16 (c) SELECTION.—For fiscal year 2018 and each fiscal
17 year thereafter, the Secretary shall select, from among ap-
18 plications received under subsection (a), 5 RIAs from geo-
19 graphically diverse regions to receive a grant under this
20 section.

21 (d) USE OF FUNDS.—An RIA that receives a grant
22 under this section shall use the amounts of the grant—

23 (1) to assess regional approaches for advancing
24 innovative investment in covered infrastructure
25 projects;

1 (2) to develop strategies for—

2 (A) transparency in the analysis of covered
3 infrastructure projects to ensure protection of
4 the public interest;

5 (B) the bundling of smaller-scale and rural
6 projects into larger covered infrastructure
7 projects to facilitate transactions and invest-
8 ments; and

9 (C) reducing transaction costs associated
10 with investments in covered infrastructure
11 projects;

12 (3) to facilitate the creation of a catalog of cov-
13 ered infrastructure projects available for investment;

14 (4) to analyze and apply procurement methods
15 for covered infrastructure projects, including—

16 (A) assessing strategies for management of
17 risks associated with covered infrastructure
18 projects;

19 (B) measuring the speed of completion and
20 quality of covered infrastructure projects; and

21 (C) assessing the use of contracting strate-
22 gies for covered infrastructure projects in which
23 teams provide design, construction, financing,
24 and maintenance solutions to achieve perform-
25 ance outcomes; and

1 (5) to complete the report of the RIA described
2 in subsection (e).

3 (e) REPORT.—Not later than 1 year after the date
4 on which an RIA receives a grant under this section, the
5 RIA shall submit to the Secretary a report that includes,
6 at a minimum—

7 (1) an update on the implementation of the
8 plan of the RIA described in subsection (a), as final-
9 ized by the board of directors of the RIA;

10 (2) a description of the infrastructure needs of
11 the region to be served by the RIA;

12 (3) a proposal of covered infrastructure projects
13 to be accomplished by the RIA through a subsequent
14 grant, as awarded under section 6; and

15 (4) the procurement strategies the RIA intends
16 to use for such covered infrastructure projects.

17 (f) SELECTION FOR SUBSEQUENT GRANT.—Not later
18 than 60 days after the date of receipt of the final report
19 submitted by an RIA under subsection (e), the Secretary
20 shall—

21 (1) review the reports submitted under sub-
22 section (e); and

23 (2) for fiscal year 2019 and each fiscal year
24 thereafter, select not fewer than 4 RIAs for which

1 funds are appropriated under section 10 to receive
2 a subsequent grant under section 6.

3 **SEC. 6. SUBSEQUENT GRANTS.**

4 (a) IN GENERAL.—Using amounts appropriated
5 under section 10(2), the Secretary shall award a subse-
6 quent grant to an RIA selected under section 4(f).

7 (b) SUBGRANTS.—An RIA shall use the amounts of
8 a subsequent grant received under this section—

9 (1) to make subgrants to one or more State,
10 local, or regional public entities for the purposes de-
11 scribed in subsection (d); and

12 (2) for such other purposes as the RIA, after
13 notifying the Secretary, determines appropriate.

14 (c) APPLICATION.—A State, local, or regional public
15 entity desiring a subgrant from an RIA under this section
16 may submit to the RIA an application for a subgrant at
17 such time, in such manner, and containing such informa-
18 tion as the RIA may reasonably require.

19 (d) USE OF FUNDS.—The amounts of a subgrant re-
20 ceived by a State, local, or regional public entity from an
21 RIA under this section may be used for payment of the
22 following costs associated with a covered infrastructure
23 project:

1 (1) Project planning, feasibility studies, eco-
2 nomic assessments, cost-benefit analyses, and public
3 benefit studies.

4 (2) Value-for-money analyses.

5 (3) Design and engineering.

6 (4) Financial planning (including the identifica-
7 tion of funding and financing options).

8 (5) Permitting, environmental review, and regu-
9 latory processes.

10 (6) Assessment of the impacts of potential
11 projects on the area, including the effect on commu-
12 nities and environment.

13 (7) The workforce and wages and benefits, as
14 well as assessment of infrastructure vulnerability
15 and resilience to the impacts of climate change and
16 other risks.

17 (8) Public outreach and community engage-
18 ment.

19 (e) AMOUNT.—A subgrant made by an RIA under
20 this section may not be in an amount that is greater than
21 \$300,000 or 75 percent of the projected cost of activities
22 described in subsection (d) associated with the covered in-
23 frastructure project concerned, whichever is less. The re-
24 cipient of the subgrant shall provide funding for the re-
25 maining balance of such costs.

1 (f) LIMITATION.—Funds made available under this
2 section may not be used to pay for work already completed
3 on a covered infrastructure project.

4 **SEC. 7. ADMINISTRATIVE PROVISIONS.**

5 (a) PREVAILING RATE OF WAGE.—

6 (1) IN GENERAL.—The Secretary shall take
7 such action as may be necessary to ensure that all
8 laborers and mechanics employed by contractors or
9 subcontractors on construction work performed on
10 projects assisted with a grant under this Act shall
11 be paid wages at rates not less than those prevailing
12 on the same type of work on similar construction in
13 the immediate locality as determined by the Sec-
14 retary of Labor in accordance with sections 3141,
15 3146, and 3147 of title 40, United States Code.

16 (2) CONSULTATION.—In carrying out the duties
17 of paragraph (1), the Secretary of Labor shall con-
18 sult with the relevant agency of the State in which
19 a project assisted with a grant under this Act is to
20 be performed. After giving due regard to the infor-
21 mation thus obtained, the Secretary of Labor shall
22 make a predetermination of the minimum wages to
23 be paid laborers and mechanics in accordance with
24 the provisions of paragraph (1) which shall be set
25 out in each project advertisement for bids and in

1 each bid proposal form and shall be made a part of
2 the contract covering the project.

3 (3) EXCEPTIONS.—The provisions of this para-
4 graph shall not be applicable to employment pursu-
5 ant to apprenticeship and skill training programs
6 which have been certified by the Secretary as pro-
7 moting equal employment opportunity in connection
8 with a construction program.

9 (b) ENVIRONMENTAL COMPLIANCE.—The Secretary
10 shall take such action as may be necessary to ensure that
11 projects assisted with a grant under this Act are con-
12 ducted in accordance with the environmental review and
13 permitting process under the National Environmental Pol-
14 icy Act of 1969 (42 U.S.C. 4321 et seq.).

15 **SEC. 8. REPORT TO CONGRESS.**

16 (a) IN GENERAL.—Not later than 1 year after the
17 date on which the Secretary first makes a grant under
18 this Act, the Secretary shall submit to Congress a report
19 on the effectiveness of the Program.

20 (b) CONTENTS.—The report shall include—

21 (1) an overview of the Program; and

22 (2) the findings of the Secretary on the effec-
23 tiveness of regional collaboration on infrastructure
24 investment, infrastructure finance, and the use of

1 procurement methods (as described in section
2 5(d)(4)).

3 **SEC. 9. DEFINITIONS.**

4 In this Act, the following definitions shall apply:

5 (1) COVERED INFRASTRUCTURE PROJECT.—

6 The term “covered infrastructure project” means a
7 project that is located in a State, that is sponsored
8 by a State, local, or regional public entity, and that
9 involves the construction, consolidation, alteration,
10 or repair of any of the following:

11 (A) Intercity passenger or freight rail
12 lines.

13 (B) Intercity passenger rail facilities or
14 equipment.

15 (C) Intercity freight rail facilities or equip-
16 ment.

17 (D) Intercity passenger bus facilities or
18 equipment.

19 (E) Public transportation facilities or
20 equipment.

21 (F) Highway facilities, including bridges
22 and tunnels.

23 (G) Airports.

24 (H) Air traffic control systems.

1 (I) Port or marine terminal facilities, in-
2 cluding approaches to marine terminal facilities
3 or inland port facilities.

4 (J) Port or marine equipment, including
5 fixed equipment to serve approaches to marine
6 terminals or inland ports.

7 (K) Ports of entry or border crossing in-
8 frastructure.

9 (L) Transmission or distribution pipelines.

10 (M) Inland waterways.

11 (N) Intermodal facilities or equipment re-
12 lated to two or more of the sectors described in
13 subparagraphs (A) through (M).

14 (O) Water treatment and solid waste dis-
15 posal facilities, including drinking water facili-
16 ties.

17 (P) Storm water management systems.

18 (Q) Dams and levees.

19 (R) Facilities or equipment for energy
20 transmission, distribution, or storage.

21 (2) LIFE-CYCLE COSTS.—The term “life-cycle
22 costs” means, with respect to an infrastructure facil-
23 ity, the budgetary impacts of the design, develop-
24 ment, construction, and operations and maintenance
25 of the infrastructure facility.

1 (3) PROGRAM.—The term “Program” means
2 the regional infrastructure accelerator program es-
3 tablished under section 3.

4 (4) REGIONAL INFRASTRUCTURE ACCEL-
5 ERATOR; RIA.—The term “regional infrastructure
6 accelerator” or “RIA” means a multi-jurisdictional
7 organization organized and dedicated to providing
8 technical assistance, financing options, and resources
9 for covered infrastructure projects within the juris-
10 dictions represented in such organization.

11 (5) SECRETARY.—The term “Secretary” means
12 the Secretary of the Treasury.

13 (6) STATE.—The term “State” means each of
14 the several States, the District of Columbia, Puerto
15 Rico, and any territory or possession of the United
16 States.

17 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

18 There is authorized to be appropriated to carry out
19 the Program—

20 (1) for fiscal year 2018 and each fiscal year
21 thereafter—

22 (A) \$11,500,000 for making initial grants
23 to RIAs under section 5; and

24 (B) \$500,000 for covering the administra-
25 tive costs of the Program; and

1 (2) for fiscal year 2019 and each fiscal year
2 thereafter, \$13,000,000 for making subsequent
3 grants to RIAs under section 6.

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