

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.

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## 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

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## 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.

○