

115TH CONGRESS
2D SESSION

S. 2364

To amend the Water Infrastructure Finance and Innovation Act of 2014 to provide to State infrastructure financing authorities additional opportunities to receive loans under that Act to support drinking water and clean water State revolving funds to deliver water infrastructure to communities across the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 30, 2018

Mr. BOOZMAN (for himself, Mr. BOOKER, Mrs. FEINSTEIN, and Mr. INHOFE) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Water Infrastructure Finance and Innovation Act of 2014 to provide to State infrastructure financing authorities additional opportunities to receive loans under that Act to support drinking water and clean water State revolving funds to deliver water infrastructure to communities across the United States, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Securing Required
3 Funding for Water Infrastructure Now Act” or the “SRF
4 WIN Act”.

5 **SEC. 2. INNOVATIVE FINANCING FOR STATE LOAN FUNDS.**

6 (a) IN GENERAL.—The Water Infrastructure Fi-
7 nance and Innovation Act of 2014 (33 U.S.C. 3901 et
8 seq.) is amended by adding at the end the following:

9 **“SEC. 5036. INNOVATIVE FINANCING FOR STATE LOAN**
10 **FUNDS.**

11 “(a) DEFINITION OF STATE LOAN FUNDS.—In this
12 section, the term ‘State loan funds’ means—

13 “(1) State drinking water treatment revolving
14 loan funds established under section 1452 of the
15 Safe Drinking Water Act (42 U.S.C. 300j–12); and

16 “(2) State water pollution control revolving
17 funds established under title VI of the Federal
18 Water Pollution Control Act (33 U.S.C. 1381 et
19 seq.).

20 “(b) FINANCIAL ASSISTANCE TO STATE LOAN
21 FUNDS.—The Administrator may provide financial assist-
22 ance under this section to State infrastructure financing
23 authorities for State loan funds to carry out water and
24 wastewater infrastructure projects in accordance with this
25 section.

26 “(c) ELIGIBLE ACTIVITIES.—

1 “(1) IN GENERAL.—The following activities
2 may be carried out by a State infrastructure financ-
3 ing authority with financial assistance made avail-
4 able under this section:

5 “(A) One or more activities that are in-
6 cluded in the intended use plan under section
7 606(c) of the Federal Water Pollution Control
8 Act (33 U.S.C. 1386(c)).

9 “(B) One or more activities that are in-
10 cluded in the project priority list of the in-
11 tended use plan under section 1452(b) of the
12 Safe Drinking Water Act (42 U.S.C. 300j-
13 12(b)).

14 “(2) ADMINISTRATIVE COSTS.—Financial as-
15 sistance provided under this section may be used to
16 pay the reasonable costs of administration related to
17 that financial assistance.

18 “(3) APPLICATION FEES.—Section 5029(b)(7)
19 shall not apply to financial assistance made available
20 under this section.

21 “(4) TREATMENT OF PROJECTS.—In deter-
22 mining whether to provide financial assistance under
23 this section, the Administrator shall consider a
24 project to be all of the activities included in an in-

1 tended use plan described in subparagraph (A) or
2 (B) of paragraph (1).

3 “(5) STATE AND LOCAL DECISIONMAKING.—A
4 State infrastructure financing authority that receives
5 financial assistance under this section may use the
6 assistance for any activity included in an intended
7 use plan described in subparagraph (A) or (B) of
8 paragraph (1).

9 “(d) REQUIREMENTS.—

10 “(1) IN GENERAL.—Except as otherwise pro-
11 vided in this section, the requirements and proce-
12 dures under this subtitle shall apply to a project
13 under this section.

14 “(2) INTEREST RATE.—

15 “(A) IN GENERAL.—Except as provided in
16 subparagraph (B), the interest rate on a se-
17 cured loan provided under this section shall be
18 equal to the yield on United States Treasury se-
19 curities of a similar maturity to the maturity of
20 the secured loan on the date of execution of the
21 loan agreement.

22 “(B) CERTAIN STATES.—

23 “(i) IN GENERAL.—In the case of a
24 State described in clause (ii)—

1 “(I) the interest rate on a se-
2 cured loan provided under this section
3 shall be 80 percent of the interest rate
4 under subparagraph (A); but

5 “(II) if there is not sufficient de-
6 mand for loans under this subpara-
7 graph (as determined by the Adminis-
8 trator), the Administrator may pro-
9 vide a secured loan at an interest rate
10 that is not less than 50 percent and
11 not more than 80 percent of the inter-
12 est rate under subparagraph (A), as
13 determined by the Administrator with
14 respect to each loan.

15 “(ii) STATES DESCRIBED.—A State
16 referred to in clause (i) is a State—

17 “(I) that received less than 2
18 percent of the total amount of funds
19 made available to States for the State
20 loan funds for the most recent fiscal
21 year for which data is available; or

22 “(II) for which the President has
23 declared a major disaster in accord-
24 ance with section 401 of the Robert
25 T. Stafford Disaster Relief and Emer-

1 gency Assistance Act (42 U.S.C.
2 5170) during the period beginning on
3 January 1, 2017, and ending on the
4 date of enactment of this section, if
5 the secured loan is for a project re-
6 lated to wastewater or drinking water
7 infrastructure damaged by the major
8 disaster.

9 “(C) DISTRIBUTION OF LOANS.—

10 “(i) IN GENERAL.—Except as pro-
11 vided in clause (ii), of the total amount of
12 funds made available to provide secured
13 loans under this section—

14 “(I) 50 percent shall be provided
15 for secured loans at the interest rate
16 described in subparagraph (A); and

17 “(II) 50 percent shall be provided
18 for secured loans at the interest rate
19 described in subparagraph (B)(i) to
20 States described in subparagraph
21 (B)(ii).

22 “(ii) REALLOCATION.—For any fiscal
23 year, if amounts for loans described in
24 clause (i)(II) remain available, the Admin-
25 istrator may reallocate the amounts to be

1 used for loans described in clause (i)(I) to
2 meet applicant demand.

3 “(3) CERTAIN STATE REVIEWS.—

4 “(A) IN GENERAL.—A project under this
5 section shall comply with any applicable State
6 environmental or engineering review require-
7 ments pursuant to, as applicable—

8 “(i) title VI of the Federal Water Pol-
9 lution Control Act (33 U.S.C. 1381 et
10 seq.);

11 “(ii) section 1452 of the Safe Drink-
12 ing Water Act (42 U.S.C. 300j-12);

13 “(iii) section 35.3140 of title 40, Code
14 of Federal Regulations (or successor regu-
15 lations); and

16 “(iv) section 35.3580 of title 40, Code
17 of Federal Regulations (or successor regu-
18 lations).

19 “(B) NO NEW REVIEWS REQUIRED.—
20 Nothing in this section requires any additional
21 or new environmental or engineering review for
22 a project under this section other than any re-
23 quirement otherwise applicable to the project.

24 “(4) FEDERAL SHARE.—Notwithstanding sec-
25 tion 5029(b)(9), financial assistance for a project

1 under this section may be used to pay up to 100
2 percent of the costs of the project.

3 “(5) TOTAL AMOUNT PER STATE.—Financial
4 assistance under this section shall be used to sup-
5 port loans in an amount not to exceed
6 \$7,000,000,000 per State for the period of fiscal
7 years 2019 through 2023.

8 “(e) EXPEDITED REVIEW OF APPLICATIONS.—Not
9 later than 180 days after the date on which the Adminis-
10 trator receives a complete application for a project under
11 this section, the Administrator shall, through a written no-
12 tice to the State infrastructure financing authority—

13 “(1) approve the application; or

14 “(2) deny the application and provide an expla-
15 nation as to why the application was denied.

16 “(f) FUNDING.—

17 “(1) AUTHORIZATION OF APPROPRIATIONS.—

18 “(A) IN GENERAL.—There is authorized to
19 be appropriated to the Administrator to carry
20 out this section \$200,000,000 for each of fiscal
21 years 2019 through 2023, to remain available
22 until expended.

23 “(B) SENSE OF CONGRESS.—It is the
24 sense of Congress that the amounts authorized

1 to be appropriated to carry out this section will
2 support, for each fiscal year—

3 “(i) \$10,000,000,000 in secured loans
4 at the interest rate described in subsection
5 (d)(2)(A); and

6 “(ii) \$850,000,000 in secured loans at
7 the interest rate described in subsection
8 (d)(2)(B)(i).

9 “(2) ADMINISTRATIVE COSTS.—

10 “(A) IN GENERAL.—Of the funds made
11 available to carry out this section, the Adminis-
12 trator may use for the administration of this
13 section, including for the provision of technical
14 assistance to aid State infrastructure financing
15 authorities in obtaining the necessary approvals
16 for eligible activities, not more than \$5,000,000
17 for each of fiscal years 2019 through 2023.

18 “(B) FEE WAIVERS.—

19 “(i) IN GENERAL.—Of the funds
20 made available to carry out this section,
21 the Administrator may use for costs re-
22 lated to processing and reviewing applica-
23 tions, including underwriting, such
24 amounts as are necessary for each of fiscal

1 years 2019 through 2023, to remain avail-
2 able until expended.

3 “(ii) OTHER FEES.—The funds under
4 clause (i) shall be used in lieu of fees col-
5 lected under section 5030(b).

6 “(3) NO IMPACT ON OTHER FEDERAL FUND-
7 ING.—No funds shall be made available to carry out
8 this section if—

9 “(A) the total amount made available for
10 a fiscal year for the State loan funds is less
11 than the total amount made available for those
12 funds for fiscal year 2018; or

13 “(B) the amount made available for a fis-
14 cal year for assistance under this subtitle (other
15 than this section) is less than the amount made
16 available for that assistance for fiscal year
17 2018.

18 “(g) DISTRIBUTION AND ALLOTMENT OF FUNDS.—

19 “(1) DISTRIBUTION OF FUNDS.—In deter-
20 mining the distribution of funds between the State
21 loan funds, the Administrator shall—

22 “(A) provide financial assistance based on
23 need; and

24 “(B) give equal consideration to drinking
25 water projects and wastewater projects.

1 “(2) SELECTION.—Notwithstanding section
2 5028(b), in providing financial assistance under this
3 section, the Administrator shall select projects based
4 on need, as determined by the Administrator.

5 “(h) SUNSET.—The authority to provide assistance
6 under this section shall terminate on September 30,
7 2023.”.

8 (b) FUNDING.—Section 5033 of the Water Infra-
9 structure Finance and Innovation Act of 2014 (33 U.S.C.
10 3912) is amended by inserting “(other than section
11 5036)” after “this subtitle” each place it appears.

12 (c) REMOVAL OF PILOT DESIGNATION.—

13 (1) Subtitle C of title V of the Water Resources
14 Reform and Development Act of 2014 (33 U.S.C.
15 3901 et seq.) is amended by striking the subtitle
16 designation and heading and inserting the following:

17 **“Subtitle C—Innovative Financing**
18 **Projects”.**

19 (2) Section 5023 of the Water Infrastructure
20 Finance and Innovation Act of 2014 (33 U.S.C.
21 3902) is amended by striking “pilot” each place it
22 appears.

23 (3) Section 5034 of the Water Infrastructure
24 Finance and Innovation Act of 2014 (33 U.S.C.

1 3913) is amended by striking the section designation
2 and heading and inserting the following:

3 **“SEC. 5034. REPORTS ON PROGRAM IMPLEMENTATION.”.**

4 (4) The table of contents for the Water Re-
5 sources Reform and Development Act of 2014 (Pub-
6 lic Law 113–121; 128 Stat. 1195) is amended—

7 (A) by striking the item relating to subtitle
8 C of title V and inserting the following:

 “Subtitle C—Innovative Financing Projects”;

9 (B) by striking the item relating to section
10 5034 and inserting the following:

 “Sec. 5034. Reports on program implementation.”;

11 and

12 (C) by inserting after the item relating to
13 section 5035 the following:

 “Sec. 5036. Innovative financing for State loan funds.”.

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