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Moving Forward Act RCRC Analysis

Overview:

On Monday, House Democrats from the Committee on Transportation and Infrastructure, Education and Labor Committee, Financial Services Committee, Energy and Commerce Committee, Ways and Means Committee, Oversight and Reform Committee, and Natural Resources Committee Chairman came together to release the text of H.R. 2, the **Moving Forward Act** ([Bill Text](#) | [Section-by-Section](#) | [Fact Sheet](#)). The \$1.5 trillion package merges several typically unrelated bills into one massive "infrastructure" package on everything from roads to education, housing, clean water, broadband and more. Included as the base of the package is the [INVEST in America Act](#), which passed out of the Transportation and Infrastructure Committee late Thursday evening on a partisan vote.

The bulk of the 2,300 page Moving Forward Act is geared toward transportation, a \$500 billion tab that requires states to account for climate change before undertaking projects and meet certain greenhouse gas emission goals when they accept funding. Beyond building new roads and bridges, the legislation commits significant funding for public transportation, favoring systems that have success reducing congestion and that expand access in low income neighborhoods. It would also shift funds to systems that offer more frequent service, a key metric for recruiting riders, rather than low operating costs. Mixed in with grants for zero-emissions buses, electrifying the postal service fleet, and allowance of electronic driver's licenses is funding for university research into implicit bias training for police officers to prevent racial profiling during traffic stops. The transportation portion of the bill has already proven to be the most controversial, with Republicans arguing they were sidelined from crafting the policies.

While House Republicans have complained about their exclusion along with the bill's green measures, Senate opposition might be more squarely focused on the \$1.5 trillion price tag. The package calls for \$25 billion for drinking water programs, \$35 billion for health care infrastructure and \$100 billion for broadband, "which will get us to 100 percent coverage." The legislation also contains funding to upgrade schools as well as for public housing, including \$70 billion to address a capital backlog for public housing, \$1 billion for climate resiliency upgrades to public housing, \$5 billion for a housing trust fund that would support the creation of 60,000 new affordable housing units and \$25 billion for the postal service. House Democrats also want to ensure rural areas get their fair share of the money authorized, by including numerous provisions that require fixed proportions of the funding go to communities with 10,000 people or fewer.

The bill would borrow \$145.3 billion to pay for roads and transit, a sum higher than the cumulative \$140 billion the highway program has borrowed from general revenue since 2008. That borrowing would account for 40 percent of Highway Trust Fund deposits over the five-year duration of the bill, according to an [analysis by the Eno Center for Transportation](#), which also speculates the bill could finally end the debate over "donor states," since all states would share in the general fund windfall.

According to a Democratic House Ways and Means aide speaking with POLITICO, the bill is less a reflection of the party's position and more a warning of what lawmakers will end up with in the absence of serious bipartisan negotiations on revenue. As a whole, the infrastructure proposal is a Democratic measure that was not crafted in concert with Republicans. On the Senate GOP side, the Senate Environment and Public Works Committee unanimously passed *America's Transportation Infrastructure Act (ATIA) of 2019* ([S. 2302](#)) last July, a \$287 billion, five-year highway reauthorization bill. While the package has been touted as a much more bipartisan solution, the Senate still needs to hold a floor vote on the bill and several more committees need to finish their work on the measure, all while Senate leadership has yet to set a formal deadline. To make matters even more complicated for Republicans, President Trump has [pushed for his own \\$1 trillion infrastructure spending bill](#), but is facing strong opposition from Senate Republicans who would much prefer the lower \$287 billion ATIA bill.

The Rules Committee said on Monday that it's ["likely" to meet next week](#) on the Moving Forward Act.

Sections of note for RCRC:

Sec. 1209. Highway safety improvement program. [23 USC 148]

Ensures that penalties and set-asides do not divert from safety needs identified in the State strategic highway safety plan. Replaces the railway-highway grade crossing set-aside, which was a 10 percent takedown of HSIP, with a standalone railway crossing program under 23 USC 130. Provides additional flexibility for States to meet any special rule obligation requirements within a two-year window, rather than within the fiscal year, to ensure that States have adequate time to plan and program the best projects. Strengthens the emphasis on high risk rural roads by increasing total investment in rural roads while reducing variances among the States that trigger the special rule to provide States with more certainty when planning these projects. Requires FHWA update guidance on rural road safety.

Sec. 1307. Rebuild rural grant program.

Establishes a \$250 million grant program to support infrastructure investment in rural communities. Focuses on projects that will improve transportation safety, including on high-risk rural roads, on Federal lands, and at vehicle-wildlife crossings; improve state of good repair, including on off-system bridges; and improve access to jobs and services in support of rural economies. Includes consideration for projects that coordinate transportation projects in the highway right-of-way with proposed broadband infrastructure.

Sec. 1603. Broadband infrastructure deployment.

Creates a new "dig once" provision to ensure better coordination of transportation and broadband infrastructure projects, while ensuring State flexibility and preventing unfunded mandates. Creates a Dig Once Funding Task Force to estimate the cost of a nationwide "dig once" requirement, and to propose and evaluate options for funding such a requirement. Ensures Task Force consultation with stakeholders that represent rural communities and communities with limited access to broadband infrastructure.

Sec. 2204. Formula grants for rural areas. [49 USC 5311]

Revises the rural transit formula to increase the funding attributed to actual transit service. Provides flexibility to States for areas transitioning from rural to urban after a new census designation. Increases tribal rural funds by 57 percent, with \$10 million for competitive grants and \$45 million for tribal formula funds. Provides flexibility to fund continuous intercity bus service across state lines and requires public documentation of state certifications to waive the 15 percent of funds for intercity service. Clarifies that volunteer hours satisfy local cost share requirements for social service trips.

Sec. 2912. Rural and small urban apportionment deadline. [49 USC 5336]

Requires FTA to apportion formula funds made available by appropriation continuing resolutions to States by December 15th of the fiscal year. States may choose to apply for these funds or wait for the full-year apportionment. This will provide better access to Federal formula funds to small urban areas, rural areas, and service providers for seniors or individuals with disabilities.

Sec. 22103. State Management Assistance.

Authorizes a total of \$1.5 billion over fiscal years 2021 through 2025 in grants to States to assist in implementing State water quality improvement programs (under section 106 of the Clean Water Act).

Sec. 22201. Nonpoint Source Management Programs.

Reauthorizes a total of \$1 billion in appropriations for grants to States to address nonpoint sources of pollution under section 319 of the Clean Water Act. This legislation is the same as H.R. 1331 (Craig – MN) which was approved by the House under suspension of the Rules on April 8, 2019.

Sec. 22302. San Francisco Bay Restoration Grant Program.

Authorizes a total of \$125 million in Federal appropriations for a new EPA Program Office for San Francisco Bay, California, for fiscal years 2021 through 2025. This section is the same as H.R. 1132 (Speier – CA) which was approved by the House under suspension of the Rules on February 5, 2020.

Sec. 50001. Authorization of Appropriation for United States Postal Service for modernization of postal infrastructure.

Authorizes \$25 billion in funding for the Postal Service for the modernization of postal infrastructure and operations, including through capital expenditures to purchase delivery vehicles, processing equipment, and other goods. The section reserves \$6 billion for the purchase of new vehicles.

Secs. 81102—81103. Funding for water management goals and restoration goals.

Provides responsible investments to repair the Friant-Kern Canal as contemplated in the San Joaquin River Restoration Settlement Act and funds related river restoration infrastructure and activities to restore California's second longest river. These sections are the same as H.R. 5316 (Cox – CA) which was approved by the Committee on Natural Resources on February 12, 2020.

Sec. 81201—81252.

Provides approximately \$3.5 billion for western water infrastructure and drought resiliency measures, including \$750 million for sustainable, multi-benefit water storage projects; \$500 for water recycling and reuse projects; and \$260 million for innovative water desalination projects. Significant investment and support are also provided for important water infrastructure projects and measures needed to reverse widespread fish and wildlife species decline across the west. Restoring healthy fish and wildlife populations will significantly boost the outdoor recreation economy and provide numerous additional benefits for the American people, including domestic seafood supply security and enhanced hunting, fishing and outdoor recreation opportunities across the western states. This subtitle includes numerous bills approved by the Committee on Natural Resources during the 116th Congress, including H.R. 3723 (Levin – CA), H.R. 5347 (Cox – CA), H.R. and 1162 (Napolitano – CA), as well as western water infrastructure priorities publicly requested and informed by numerous stakeholder organizations, including major water utilities, cities, water districts, conservation organizations, and tribes.

Secs. 81301—81335.

Provides much needed funding for western water infrastructure while advancing water conservation, water-use efficiency, and environmental restoration in the Southwest and other western states. This subtitle is the same as H.R. 4891 (Torres Small – NM) which was approved by the Committee on Natural Resources on March 11, 2020.

Sec. 81411. Water Resources Research Amendments.

Reauthorizes and funds Federal grants for water research institutes in all 50 states and the District of Columbia, Puerto Rico, Guam and the U.S. Virgin Islands. Each state and territory currently have a water institute focused on new research and technological development needed to address state and regional challenges related to water supply and water quality. This section is the same as H.R. 3510 (Harder–CA).

Sec. 81511. Ground water recharge planning.

Directs the Department of the Interior to investigate and identify beneficial groundwater storage and recharge locations across the western United States and future water infrastructure conveyance needs to facilitate groundwater storage and aquifer recharge in western states. This section is included in H.R. 2473 (Harder–CA), which was approved by the Committee on Natural Resources on March 11, 2020.

Sec. 82101 — 82104.

Expedites the deployment and enhancement of broadband and telecommunications infrastructure and services on and adjacent to public lands managed by DOI through the retention and use of rental fees for rights-of-way and other telecommunications infrastructure use authorizations. This subtitle is the same as H.R. 2611 (Huffman–CA).

Sec. 82201—82206.

Establishes guaranteed funding to enhance access to greenspace and develop recreational infrastructure in park-poor urban areas and traditionally underserved communities. This subtitle is similar to H.R. 4512 (Barragán–CA).

Sec. 82301. Presidio Trust borrowing authority.

Updates existing borrowing authority to facilitate the maintenance and repair of facilities and infrastructure at the Presidio of San Francisco, a unit of the National Park System managed in partnership with the Presidio Trust.

Sec. 82401. Forest Service Legacy Roads and Trails Remediation Program.

Directs the U.S. Forest Service to prioritize storm proofing roads, bridges, and trails for more extreme weather; culvert replacement; fish passageway; trail repair; and decommissioning of unneeded or environmentally hazardous roads.

Sec. 83101. Shovel-Ready Restoration and Resiliency Grant Program.

Authorizes a \$3 billion coastal resiliency fund managed by the National Oceanic and Atmospheric Administration (NOAA) to provide funding for shovel-ready coastal restoration projects that restores habitat for fish and wildlife or assists in adaptation to the impacts of climate change. Priority projects include, among other things, projects that stimulate the economy, create jobs for fishermen, or are located in under-resourced communities.

Sec. 90121. Credit for operations and maintenance costs of government-owned Broadband (§ 6431B).

This provision creates a 30% tax credit for State, local, and tribal governments for the operations and maintenance costs of government owned broadband systems. To be eligible for the credit the broadband service must provide a download speed of at least 25 Mbps and an upload speed of at least 3 Mbps. Expenses taken into account for purposes of this credit are capped at \$400 per newly subscribed household living within a low-income community. This credit phases down to 26% in 2027, 24% in 2027, and expires at the beginning of 2028.