



Policy Update

January 6, 2022

Congress returns to Washington to begin the second session of the 117th Congress. When Congress resumes business on January 10th, Senate Democrats will continue to try and advance, using budget reconciliation rules, the Build Back Better Act that has been unable to garner the 51 votes necessary to send the bill to the President. Congress will need to act on funding the Federal government in FY22 which is already three months old. February 18th is the expiration date of the current continuing resolution (CR). Once that is completed, Congress will turn to the FY23 budget process. The Senate may take up voting rights legislation but need to get past the Republican filibuster. The House has already passed voting rights legislation. On the infrastructure front, the Water Resources Development Act (WRDA) could be taken up and Congress will begin the reauthorization process for aviation programs. Congressional Committees will likely begin oversight hearings on the implementation of the Infrastructure Investment and Jobs Act (or the Bipartisan Infrastructure Law as branded by the White House). Of course, all this and other legislative actions will compete for time during an election year when Congress is typically not in session as often.

USDOT continues with the implementation of the IJJA/BIL. USDOT continues to tackle the implementation of the new law and has provided some guidance on the [FHWA](#) and [FTA](#) websites. FHWA has also published a Request for Information in the [Federal Register](#) to solicit information on: (i) potential opportunities and challenges for implementing new BIL programs; (ii) potential opportunities and challenges for implementing existing programs modified by the BIL; (iii) solutions or suggestions as to how FHWA might implement the BIL; (iv) necessity for additional guidance, FAQs, or program changes; and (v) areas requiring new and continued research.

President Biden's Infrastructure Coordinator Mitch Landrieu asks Governors to appoint their own State-level coordinators to help implement the new infrastructure law. The idea of State infrastructure coordinators was derived from a similar process that was used to implement the 2009 American Recovery and Reinvestment Act as well as the Covid rescue laws enacted over the last two years. The State coordinator would work with State department leadership responsible for transportation and the other infrastructure departments to coordinate implementation of the IJJA infrastructure programs. In addition to this recommendation, Landrieu said that the White House would be releasing policy guidance this month regarding the infrastructure bill's funding programs and policy including equity, climate and resilience, and environmental justice.

Upcoming Congressional Hearings.

January 12, 2022, 10:00 AM House Subcommittee: Water Resources and Environment - "Proposals for a Water Resources Development Act of 2022: Administration Priorities"

January 12, 2022, 3:00 PM - Water Resources Development Act Oversight: USACE Implementation of Water Infrastructure Projects, Programs and Priorities