



*Week of 1-30-23  
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### **Congressional Overview**

The House voted on legislation that would end policies spurred by the COVID-19 pandemic, including the national emergency declaration and expansion of federal telework initiated in March 2020. Additionally, the House passed legislation that would allow mutual funds to delay the redemption of shares to protect older Americans from financial exploitation and require the Small Business Capital Formation office to expand its focus to small businesses in rural areas.

The Senate continued with their organizing meetings to determine committee assignments for the 118<sup>th</sup> Congress. Senate Majority Leader Chuck Schumer (D-NY) announced Democratic committee assignments including Sen. Gary Peters (D-MI) as the only new senator joining the Senate Appropriations Committee. All other Senate Democrat Appropriators are returning, but subcommittee chairmanships, which have yet to be announced, may be altered.

Top Democrats for House Appropriations subcommittees also remain a question mark. On House Ways and Means, the three most senior subcommittee chairs will retain their posts. This week at least seven House committees will hold organizational meetings. The Senate's adoption of an organizing resolution is still pending because Senate Republicans are still making committee assignments.

### **FCA International and Public-Private Partnership (P3) Water Infrastructure Projects**

In the 117<sup>th</sup> Congress and now in the 118<sup>th</sup> Congress, FCA International will continue supporting public-private partnership (P3) water infrastructure projects. At the very end of the 117<sup>th</sup> Congress, Reps. Stephen Lynch (D-MA) and Troy Balderson (R-OH) introduced H.R. 9665, which would apply payment and performance requirements for all construction projects receiving Water Infrastructure Finance Innovation Act (WIFIA) funding.

In most instances (95-99%), the states' "Little Miller Acts" require bonding at 100%, or in practice, states and localities are requiring bonding at 100% for traditionally procured projects, so state or local applicants can merely attest to the Environmental Protection Agency (EPA) that the project(s) will be bonded as required under the state's "Little Miller Act" and provide the percentage of bonding.

Additionally, the legislation would provide a floor for security (bonding) at 50% of the construction costs, implementing a recognized industry standard minimum level of bonding for security for large water projects to protect the federal interests in the prudent use of federal financing. This removes the burden from the EPA to determine what would be an "appropriate" level of bonding.

This would address the gaps existing in the bonding requirements for newer forms of project delivery, specifically P3s and possibly others. In those instances, the legislation contains a provision requiring state or local statutes or regulations for security requirements to be accepted by EPA so long as these requirements are at a minimum of 50% of the construction costs. You can count on FCA to keep you updated as this legislation matriculates through Congress.

### **The Biden Administration Ends COVID-19 National Public Health Emergencies**

The Biden administration announced it will end the COVID-19 national and public health emergencies on May 11, 2023. The White House announced its plan in a statement responding to two House Republican measures aimed at immediately ending the emergencies. Congress has already extended some provisions originally tied to the emergency, including expanded Medicare, high-deductible health plan telehealth access and hospital-at-home care.

Ending the emergencies will restructure the federal government's coronavirus response and shift the responsibility for the distribution of most vaccines and treatments to the private market. The Administration's announcement came the same day the WHO announced that the global health emergency posed by COVID-19 is not over, saying the number of deaths, low vaccination rates and the threat of emerging variants still pose a significant threat to human health. Last week, the CDC reported an average of 536 people died in the U.S. per day from the virus.