

116TH CONGRESS  
1ST SESSION

# H. R. 731

To modify the treatment of certain loans in consideration for fixed guideway capital investment grants, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 23, 2019

Mr. MALINOWSKI (for himself, Mr. NORCROSS, Mr. VAN DREW, Mr. KIM, Mr. PALLONE, Mr. PASCRELL, Mr. PAYNE, and Ms. SHERRILL) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To modify the treatment of certain loans in consideration for fixed guideway capital investment grants, 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 “Transportation Fund-  
5 ing Fairness Act”.

1 **SEC. 2. TREATMENT OF CERTAIN LOANS IN CONSIDER-**  
2 **ATION FOR FIXED GUIDEWAY CAPITAL IN-**  
3 **VESTMENT GRANTS.**

4 (a) IN GENERAL.—Section 603(b)(8) of title 23,  
5 United States Code, is amended to read as follows:

6 “(8) NON-FEDERAL SHARE.—

7 “(A) IN GENERAL.—A State or other eligi-  
8 ble sponsor may elect to have proceeds of a cov-  
9 ered loan treated as any non-Federal share of  
10 project costs required under this title or chapter  
11 53 of title 49, if the loan is repayable from non-  
12 Federal funds.

13 “(B) COVERED LOAN.—In this subpara-  
14 graph, the term ‘covered loan’ means—

15 “(i) a secured loan under the TIFIA  
16 program; and

17 “(ii) a loan issued pursuant to the  
18 railroad rehabilitation and improvement fi-  
19 nancing program authorized under sections  
20 501 through 503 of the Railroad Revital-  
21 ization and Regulatory Reform Act of  
22 1976 (45 U.S.C. 821–823).”.

23 (b) SPECIAL RULE FOR FIXED GUIDEWAY CAPITAL  
24 INVESTMENT GRANTS.—Section 5309(f) of title 49,  
25 United States Code, is amended by adding at the end the  
26 following:

1           “(3) SPECIAL RULE FOR PROCEEDS OF A COV-  
2       ERED LOAN.—

3           “(A) IN GENERAL.—In making the deter-  
4       mination and assessment pursuant to para-  
5       graphs (1) and (2), the Secretary—

6           “(i) shall treat proceeds of a covered  
7       loan that a State has elected to treat as a  
8       non-Federal share of project costs pursu-  
9       ant to section 603(b)(8) of title 23, United  
10      States Code, as a local financial commit-  
11      ment; and

12          “(ii) may not treat any such proceeds  
13      as non-local sources of capital and oper-  
14      ating financing.

15          “(B) COVERED LOAN.—In this subsection,  
16      the term ‘covered loan’ means—

17          “(i) a secured loan under the TIFIA  
18      program (as such term is defined in sec-  
19      tion 601 of title 23, United States Code);  
20      and

21          “(ii) a loan issued pursuant to the  
22      railroad rehabilitation and improvement fi-  
23      nancing program authorized under sections  
24      501 through 503 of the Railroad Revital-

1            ization and Regulatory Reform Act of  
2            1976 (45 U.S.C. 821–823).”.

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