

Parsons Brinckerhoff Washington Update - July 23, 2015 - Interim Update

Last night, the Senate succeeded in passing a cloture motion to proceed with debate on HR 22, the multi-year DRIVE Act surface transportation authorization bill. A previous vote on Tuesday only received 41 votes in favor of cloture while yesterday’s vote received 62 votes. Actual debate on the bill will not begin until Friday morning. It is possible that the Senate may work through the weekend. Debate will likely last well into next week with numerous amendments expected to be offered. Here is a [link](#) to see how your Senators voted. Fourteen Democratic Senators changed their votes to “Yes” as well as three Republicans. A number of Senators, particularly Democrats, had concerns on Tuesday about not having an opportunity to review the bill in advance of the vote, the proposed highway/transit funding split, and the lack of bi-partisan consultation on the transit and safety/freight titles.

Here is a [link](#) to the revised version of the bill which includes a number of changes to gain the support of key Senators (ignore the first paragraph about the IRS – the Senate is using an unrelated House bill as a legislative vehicle for the DRIVE Act).

Here is a [link](#) to a summary of the changes to the bill that have been agreed to so far to resolve several problems that Senate Democrats had objected to, including transferring \$100M in annual funding from the highway program (\$50M from TIFIA and \$50M from the new AMPP program) to the transit program to maintain an 80/20 funding split between the two modes, including the additional General Fund transfer money.

But all is not smooth sailing ahead – there is still significant controversy over some of the Senate provisions to offset or “payfor” the proposed \$47B General Fund transfer. Another problem is the possibility that some Senators may try to amend the bill with one or more controversial, unrelated add-ons such as authorization of the Export Import Bank, defunding Planned Parenthood, the Iran nuclear deal, or denying employer contributions for congressional staffers' health plans under Obamacare.

Because of the loss of some of the more controversial original Senate “payfors” and an effort to add some additional transit funding (a \$100M increase for the Fixed Guideway State of Good Repair formula program), the Senate bill been scaled back to only 3 years’ worth of funding and the original Environment & Public Works Committee (EPW)-passed highway program funding levels have been scaled back, including TIFIA funding.

Program	Current Appropriated Funding	EPW Comte Approved FY'16 Funding	HR 22 DRIVE FY'16 Funding	EPW Comte Approved FY'17 Funding	HR 22 DRIVE FY'17 Funding	EPW Comte Approved FY'18 Funding	HR 22 DRIVE FY'18 Funding
Base Highway Program – Ob Limit	\$40.25B	\$43.1B	\$40.0B	\$44.0B	\$41.0B	\$45.0B	\$42.1B
TIFIA	\$1B	\$675M	\$450M	\$675M	\$450M	\$675M	\$450M
AMPP*	N/A	\$300M	\$250M	\$350M	\$300M	\$400M	\$350M

*The EPW Committee created the Assistance for Major Projects Program (AMPP), a new program to provide funding for large, mega-projects, including freight.

House T&I Committee Chairman Bill Shuster, House Majority Whip Kevin McCarthy and Speaker Boehner all said yesterday that the Senate bill is dead on arrival in the House and that the House has no plans to take up the Senate bill (at least not before the August recess). In addition, several key House Democratic leaders came out in opposition of the Senate bill for various reasons. The House has previously passed a five-month short-term extension of the current MAP-21.

There are only six workdays until the House leaves for August recess and the MAP-21 extension expires.