

Second Minibus

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Second Minibus Pulls up to Senate Starting Line

On Thursday, the Senate overwhelmingly secured eighty-one votes and invoked cloture to proceed to a second minibuss appropriations bill, containing the Fiscal Year 2012 Energy-Water ([HR 2354](#)), Financial Services ([S 1573](#)) and State-Foreign Operations ([S 1601](#)) appropriations bills. Senate leadership announced plans to bring the bill to the floor next week. The bill is expected to include a continuing resolution (CR) that would keep the federal government operating until mid-December (the current CR expires on November 18) or perhaps until March 1.

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Senators John Barrasso (R-WY) and Dean Heller (R-NV) announced that they will seek to amend the Energy and Water Development Appropriations bill to prohibit the U.S. Corps of Engineers from implementing guidance that refines the kinds of waters subject to Clean Water Act regulation.

The first minibuss ([HR 2112](#)) is currently in a House-Senate conference committee process. A final compromise measure is expected next week. If things go according to plan, the House would then adopt the conference report and the Senate could clear the bill by the end of next week marking the first spending bill to make it to the President.

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With Time Running Out - Super Committee Races Towards Deadline

With less than two weeks before the 12-member panel reaches its November 23 deadline, the [Joint Select Committee on Deficit Reduction](#) (Super Committee) continues to debate proposals to cut the deficit by \$1.2 trillion. Despite the looming deadline, partisan battle lines remain in place, stalling progress on reaching an agreement. Despite the current deadlock, Committee Co-Chair Patty Murray (D-WA) stated on Thursday that, “We haven’t stepped away from anything, there is a lot of conversation, a lot of work going on. We understand the deadline in front of us.”

This week, committee Republicans offered a proposal that would cap itemized deductions for mortgage interest on second homes and end tax breaks for corporate jets in exchange for lowering the top tax rate from 35 percent to 28 percent and cutting entitlements spending (\$700 billion in spending cuts and \$500 billion in new revenues). The latest proposal from Democratic members would cut the federal budget deficit by \$2.3 trillion over the next decade, with \$1 trillion each coming from spending and revenue and \$300 billion from interest savings.

Members of the Super Committee can’t vote on a final package until the [Congressional Budget Office](#) (CBO) “scores” the bill to ensure that it meets the mandate for \$1.2 trillion in savings. To prepare for the possibility of a last minute deal, CBO staff is estimating the impact of the various proposals that committee members have floated the past few weeks.

Senate Acts on Highway Reauthorization Bill

On November 9, the Senate Committee on Environment and Public Works marked up its version of a surface transportation reauthorization bill. The two-year, \$109 billion bill, Moving Ahead for Progress in the 21st Century (MAP-21) ([S 1813](#)) maintains funding at current levels, vastly increases funds available under the Transportation Infrastructure Finance and Innovation Act, consolidates the number of Federal programs from about 90 programs to fewer than 30 and expedites project delivery. The Committee approved the bill 18 -0 and approved the following amendments (text not yet available):

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- NFP flexibility for rural roads (Barasso)
- Limiting the number of performance measures (Barasso)
- CMAQ accountability study (Boozman)
- FHWA to FTA flex used to enhance level of service (highway funds eligible for transit use) (Cardin)
- Clarify off-road diesel PM2.5 rules and funding (Carper)
- "Consult" not "cooperate/coordinate" with MPOs (Crapo)
- Grandfathers statewide policy plans for 4 years (Crapo)
- Allowing freight rail improvement within 5 miles of Mexican/Canadian borders (Gillibrand)
- State comment process on DOT standards for NHPP (Johanns)
- Require DOT to give tech support to states for data modeling (Johanns)
- Narrow scope of fines in sec. 2210 of bill (Johanns)
- Require MPO alternate scenarios to be fiscally constrained (Merkley)
- Increase emergency funding federal share to 100% in certain circumstances (Sanders)
- Seeking a USDOT report on potential electric car charging network (Sanders)
- Define border roads as within 10 miles of border (Udall)
- Use of crash rate as a safety analysis/planning factor (Udall)
- Eligibility for alternate roads along a corridor when more cost effective than improving primary route (Udall)

The next step in the process of moving the bill forward will be more difficult; the Senate Finance Committee must identify an additional \$12 billion in offsets to fully pay for the program. Following the markup, Ranking Member James Inhofe (R-OK) stated, "It [the bill] won't go anywhere outside the committee with out the \$12 billion." IN addition, other committees of jurisdiction (banking, Commerce) must also move their specific components of the final bill. The current stopgap transportation funding extension expires March 31, 2012.

Possible Movement on Private Activity Bonds

On November 7, the Sustainable Water Infrastructure Coalition (Coalition) met to discuss the status of the Sustainable Water Infrastructure Act ([HR 1802/S 939](#)). The legislation provides an exception to the private activity bond (PAB) volume cap currently in place for water and wastewater projects.

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The legislation, introduced by Senators Robert Menendez (D-NJ) and Mike Crapo (R-ID) and Representatives Bill Pascrell, Jr. (D-NJ) and Geoffrey Davis (R-KY), has 51 House and 7 Senate co-sponsors. The latest co-sponsor is Senator Inhofe (R-OK), Ranking Member of the Senate Committee on Environment and Public Works.

In addition to announcing new co-sponsors, the meeting stressed the strong, bi-partisan momentum growing in Congress to pass infrastructure legislation as a means of boosting the economy. According to the Coalition, there is serious consideration that the legislation will be attached to Senate surface transportation reauthorization legislation (MAP-21) as a chairman's mark in the Finance Committee component of the bill. They stated that leadership is considering a five year sunset/extension and highlighted the fact that the legislation had been scored at \$48 million over five years, which is below \$50 million level that would have trigger a required offset.

Hearings

Senate

Date: November 15, Time: 10:00 a.m.
Committee: Energy & Natural Resources
Hearing: Energy Technology Review and Energy R&D Coordination

House

Date: November 16 Time: 10:00 a.m.
Committee: Natural Resources
Hearing: Oil and Natural Gas Development on Federal Lands and Water

Date: November 16 Time: 10:00 a.m.
Committee: Transportation and Infrastructure
Hearing: Hydraulic Fracturing of Shale Beds

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Date: November 17 Time: 10:00 a.m.
Committee: Homeland Security
Hearing: Science and Technology Investments and Budget Concerns

Date: November 17 Time: 9:00 a.m.
Committee: Science, Space & Technology
Hearing: EPA Science Assessment

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