



December 3, 2015

The Fixing America's Surface Transportation (FAST) Act (HR. 22)

Dear Representative:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 200 national organizations to promote and protect the rights of all persons in the United States, we write to ask you to vote in favor of H.R. 22, the Fixing America's Surface Transportation (FAST) Act, which provides five years of funding for our nation's surface transportation system. The FAST Act has serious drawbacks, including unacceptable attacks on financial reform and a patchwork of funding streams that is not based on user fees, and it is, moreover, not a forward-thinking bill. However, for the communities that The Leadership Conference represents, the increase for transit funding that the FAST Act provides is critical, as is the ability of states and localities to have long-term, sustained funding. Our communities need deep and sustained investment in infrastructure, and while the FAST Act does not provide this, it is better than the status quo.

The Leadership Conference believes that access to transportation is a civil rights issue because it enables access to jobs, affordable housing, health care, schools, and child care for both urban and rural communities, and because investments in infrastructure create good-paying jobs in the manufacturing and construction sectors. We are pleased that the bill coming out of conference is five-years in length with increased funding, rather than a six-year bill with baseline funding. The increased funding for transit in the FAST Act is tremendously important to our communities, many of whom are transit-dependent. We also strongly support reauthorization of the Disadvantaged Business Enterprises program and the \$7.5 million in annual grant funding for states to collect data on racial profiling.

However, the FAST Act is a missed opportunity to address our nation's lagging infrastructure in a robust manner, and it fails to enact policy changes that reflect the demands of a changing economy. The FAST Act includes no new performance measures and instead freezes in place for five years a transportation system that does not measure connectivity or how transportation decisions and investments actually play out in terms of whether our communities have access to jobs. This is not a good use of federal dollars.

The funding for the FAST Act is another problematic area. One of the main concerns we have had with the entire surface reauthorization bill process is the reliance on a patchwork of pay-fors and budget gimmickry rather than utilizing user fees. While the FAST Act funds transportation for five years, its piecemeal funding sources are not sustainable and do not provide a permanent solution to our long-term funding needs. We were dismayed by many of the pay-fors that were contemplated over the past few months, including a pay-for that remains in the bill that outsources tax debt collection to private interests, which will disproportionately affect low-income taxpayers. We urge Congress to do the hard work of raising user fees. The approach used in the FAST Act should not become precedent.

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Finally, it is deeply disappointing to see that the FAST Act has been used as a vehicle for a number of ideological riders having nothing to do with transportation. The amendment proposed by House Financial Services Chairman Jeb Hensarling (R-TX) should not have been permitted in the final bill. Some of the provisions in the amendment undermine financial reform, including a provision that pre-empts state law on the regulation of Small Business Investment Companies (SBIC), and allows advisers of SBICs and private equity funds to completely exclude SBICs from the assets under management threshold that requires a firm to register with the Securities and Exchange Commission.^[1] Another provision could allow emerging growth companies to game the filing calendar in order to omit historical financial disclosures, and loosen registration requirements, possibly depriving investors of important financial information.^[2] Yet another provision eliminates important privacy disclosures by mega-banks, allowing them to cease telling consumers when their information is being shared with other companies – a terrible idea in light of recent consumer data breaches.

We recognize that much work and compromise went into producing this bipartisan five-year bill. The FAST Act will provide stability to our nation's surface transportation system and increased funding for transit, and we thank you for your efforts. We wish the final bill was stronger on policy, provided more funding for infrastructure investments, and that Congress had had the will to do the hard work to find a long-term funding solution for our transportation system. Next time, we hope you do better.

If you have any questions, please contact Emily Chatterjee, Senior Counsel, at (202) 466-3648.

Sincerely,

Wade Henderson
President & CEO

Nancy Zirkin
Executive Vice President

^[1] Marcus M. Stanley, Testimony Before the Securities, Insurance and Investment Subcommittee on Banking, Housing and Urban Affairs, United States Senate, AMERICANS FOR FINANCIAL REFORM, (Mar. 24, 2015), <http://ourfinancialsecurity.org/wp-content/uploads/2015/03/Marcus-Stanley-AFR-Testimony-Senate-Banking-Securities-Subcommittee-March-24th.pdf>.

^[2] Statement of Theresa A Gabaldon at Hearing Before the Subcommittee on Capital Markets, House Financial Services Committee, (Apr. 29, 2015), <http://financialservices.house.gov/uploadedfiles/hhrg-114-ba16-wstate-tgabaldon-20150429.pdf>.