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United States Senate

COMMITTEE ON BANKING, HOUSING, AND
URBAN AFFAIRS

WASHINGTON, DC 20510-6075

September 21, 2021

The Honorable Sherrod Brown
Chairman
Senate Committee on Banking, Housing, and Urban Affairs
534 Dirksen Senate Office Building
Washington, D.C. 20002

Dear Chairman Brown:

On August 10, 2021, the Senate passed the Infrastructure Investment and Jobs Act (H.R. 3684). This legislation authorizes \$85.65 billion in spending and provides future supplemental appropriations of \$21.25 billion for mass transit over a five-year period. This enormous sum of taxpayer assistance came after Congress had already appropriated record amounts of COVID-related “emergency” aid for local transit agencies. Now, it appears Democrats intend to send billions more to transit agencies in violation of the understanding between Republicans and Democrats that negotiations surrounding physical infrastructure would not find their way into Democrats’ partisan reconciliation package.

The House Committee on Transportation and Infrastructure (T&I) recently held a markup of its reconciliation instructions pursuant to Senate Concurrent Resolution 14. Among its provisions, the T&I legislation created a \$10 billion grant program for mass transit called the Affordable Housing Access Program.

As you are aware, as part of early negotiations on physical infrastructure between the White House and the bipartisan group of senators, President Biden agreed not to “double-dip”, i.e. spend additional money on issues that were resolved in the bipartisan infrastructure bill. We know that the level of “new” mass transit spending agreed to in H.R. 3684 was a result of a tradeoff. As such, piling on another \$10 billion in mass transit spending—a figure that is conspicuously equal to an agreed-upon reduction in “new” mass transit spending from those infrastructure negotiations—skirts the President’s commitment to not “double-dip.”

It is imperative that all parties involved in a negotiation process do so in good faith and uphold their agreements. To quote President Biden at his press conference touting the bipartisan infrastructure framework: “In my years in the Senate, the single greatest currency you have is your word — keeping your word.”

Therefore, I respectfully ask that Senate Democrats honor the President's commitment and strike the Affordable Housing Access Program language in the reconciliation bill. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Pat Toomey". The signature is written in a cursive style with a large, looping initial "P".

Pat Toomey
U.S. Senator

cc: The Honorable Kyrsten Sinema, U.S. Senator
The Honorable Rob Portman, U.S. Senator