



Legislative Bulletin.....August 4, 2007

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H.R. 3311 — To authorize additional funds for emergency repairs and reconstruction of the Interstate I-35 bridge located in Minneapolis, Minnesota, that collapsed on August 1, 2007, to waive the \$100,000,000 limitation on emergency relief funds for those emergency repairs and reconstruction, and for other purposes

Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: 0

Total Cost of Discretionary Authorizations: \$250 million

Effect on Revenue: \$0

Total Change in Mandatory Spending: \$0

Total New State & Local Government Mandates: 0

Total New Private Sector Mandates: 0

Number of Bills Without Committee Reports: 1

Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 0

H.R. 3311 — To authorize additional funds for emergency repairs and reconstruction of the Interstate I-35 bridge located in Minneapolis, Minnesota, that collapsed on August 1, 2007, to waive the \$100,000,000 limitation on emergency relief funds for those emergency repairs and reconstruction (*Oberstar, D-MN*)

Order of Business: The bill, as amended by the Senate last night, is schedule for consideration on Saturday, August 4, 2007, likely under a motion to suspend the rules and pass the bill.

Note: The Rules of the House only allow bills to be considered under suspension of the rules on Mondays, Tuesdays, and Wednesdays. For a bill to be considered under suspension of the rules during the remainder of the week, the Rules Committee must pass a rule (as they did earlier this week to consider H.R. 3356).

Summary: H.R. 3311 would authorize the Secretary of Transportation to carry out a repair and reconstruction project of the Interstate 35 (I-35) bridge located in Minneapolis, Minnesota. This bridge collapsed Wednesday, August 1, 2007, for reasons unknown at this time. The bill also includes the following provisions:

- Provides that the federal share of this new construction project will be 100 percent (thus, no state or local funds would be required to rebuild this bridge).
- Authorizes appropriations of \$250 million dollars in emergency relief to carry out this reconstruction project, and provides that the funds will remain available until expended.
- Waives the emergency relief limitation in current law (23 U.S.C. 125(d)(1)), which restricts the amount appropriated from the Highway Trust Fund in a single fiscal year to no more than \$100 million. Thus, the amount appropriated in this bill is *150 percent more than the maximum allowable under current law.*
- Amends SAFETEA-LU (Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; 119 Stat. 1171) by inserting a new provision that allows the Department of Transportation to reimburse (*with funds from FY2007 Federal Transit Administration Discretionary Programs, Bus and Bus Facilities account*) the Minnesota State Department of Transportation (DOT) up to \$5 million for the maintenance and operation of transportation services (i.e. – transit assistance) and traveler information services that Minnesota DOT provides as a temporary substitute in response to the I-35 bridge collapse (until the bridge is restored). *The provision stipulates that there is no local matching funds requirement for the FTA Discretionary Programs account (text in italics is from Senate amendment).*

The House-passed version last night provided \$5 million in funds from the emergency relief program under section 125 of SAFETEA-LU, and stipulated that the federal cost share would be 100 percent. Thus, the funds are being provided from a different account, but the net result to Minnesota is the exact same.

Additional Background: A bridge that spans the Mississippi River collapsed on Wednesday afternoon on Interstate 35 West in Minneapolis, Minnesota. Press reports indicate that five people have been confirmed dead and at least 79 people were injured in the bridge collapse.

The bridge opened in 1967, and the federal government paid for 90% of the cost, with the state paying the remainder. After a bridge collapse or another transportation disaster, a state may apply for emergency funding under the Federal Highway Administration's (FHWA) Emergency Relief Program. However, funding under this program is capped at \$100 million for each eligible disaster, and the federal government absorbs the full cost up to the cap for the first 180 days (from the date of the incident) and 90 percent of the cost up to the cap thereafter, *assuming certain conditions have been met* (see attachment).

Transportation Secretary Mary Peters has already pledged \$5 million in federal transportation funds to pay for traffic flow adjustments and debris removal.

Minnesota has a highway contingency fund of approximately \$200,000, and a statewide reserve fund with approximately \$2 million remaining (use of which would require reconvening the state legislature).

For additional information on the I-35 Minnesota bridge collapse, see this [CNN article](#). According to an [AP article](#), the bridge was deemed “structurally deficient” as early as 1990, and as a result was inspected annually since 1993. During 2005 and 2006 inspections, the bridge’s inspection noted fatigue cracks, including one four feet long.

Possible Conservative Concerns: There is no doubt that this bill attempts to address a great human tragedy. However, given that Congress cannot erase the enormous suffering that has already occurred for the people of Minneapolis and all those affected, the question now is not whether the bridge should be rebuilt but rather who should bear the full cost—federal, state, or local taxpayers—and at what amount.

Some conservatives may be concerned that H.R. 3311 proposes to: 1) authorize funding for this bridge instead of following the current vetting process under the Emergency Relief Program, 2) exceed the current \$100 million cap for each eligible disaster in the program, and 3) ensure that all funding is exempt from any cost-sharing with the state and local governments. Congress is being asked to do all of this without a specific reconstruction plan having been proposed and any information to substantiate that the reconstruction will cost \$250 million having been furnished.

Committee Action: H.R. 3311 was introduced on Friday, August 3, 2007.

Cost to Taxpayers: A CBO score of H.R. 3311 is unavailable. The bill authorizes to be appropriated \$250 million.

Does the Bill Expand the Size and Scope of the Federal Government?: As noted, above the bill authorizes \$250 million in emergency funds to a bridge construction project in response to a local disaster.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

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