

December 5, 2017

The Honorable Mitch McConnell
Majority Leader
U.S. Senate

The Honorable Paul Ryan
Speaker
U.S. House of Representatives

The Honorable Charles Schumer
Minority Leader
U.S. Senate

The Honorable Nancy Pelosi
Minority Leader
U.S. House of Representatives

The Honorable Orrin Hatch
Chairman
Senate Committee on Finance

The Honorable Kevin Brady
Chairman
House Committee on Ways and Means

The Honorable Ron Wyden
Ranking Member
Senate Committee on Finance

The Honorable Richard Neal
Ranking Member
House Committee on Ways and Means

Dear Leader McConnell, Speaker Ryan, Leaders Schumer and Pelosi, Chairmen Hatch and Brady, and Ranking Members Wyden and Neal:

Today we write in strong support of maintaining the tax-exempt status for Private Activity Bonds (PABs) in the Tax Cuts and Jobs Act (H.R.1) Conference Report. As you are aware, Section 3601 of the House bill calls for the termination of tax-exempt private activity bonds. The Senate bill contains no such provision. Section 3601 severely conflicts with the need to deploy all types of funding sources for infrastructure improvements, including private capital. Ultimately, it would raise costs for most such projects, regardless of how they are financed.

In a time when all levels of government are struggling to meet their infrastructure needs, PABs are a crucial financing tool. PABs are traditionally the means of tax exempt financing for surface transportation projects, airports, port facilities, water and wastewater facilities, multi-family housing projects and certain other exempt facility bond projects. PABs also include bonds for schools, universities, and hospitals. In total, states can issue PABs to a subset of 22 activities. Removing this tool will have a far reaching impact across all classes of infrastructure.

Terminating PABs is ill-advised as their issuance has steadily increased from the \$10-\$15 billion range that was commonplace since 2008. In fact, according to the Council of Development Finance Agencies, total private activity bond issuance in 2016 increased significantly over 2015, from \$12.98 billion to \$20.38 billion. Preserving PABs, enhancing them for certain infrastructure projects and expanding them to public buildings should be the priority in tax reform, rather than terminating them.

Abruptly ending this incentive for private sector financing would further constrain available funding for certain infrastructure projects. Were this to happen, many future projects would likely never be built or would cost significantly more. Thus, the public would never fully enjoy the economic, quality of life, job-creation and other benefits from these projects. Moreover, the absence of PABs could increase funding pressures on states, leading to the elimination or delay of all manner of planned projects, including those to be funded exclusively with public dollars.

It is also important to note that, while the Trump Administration has not yet released a detailed infrastructure proposal, it has publicly stated that its parameters will include \$200 billion in new funding, which will be meant to leverage \$800 billion in additional investment, including private capital. In fact, the Administration's FY 2018 budget proposal recommended lifting the \$15 billion cap on the use of PABs for surface transportation projects, and expanding PABs' eligibility. Any objective assessment would conclude that terminating the use of PABs will make these levels of infrastructure investment much more difficult to achieve, if not impossible.

For all these reasons, we respectfully urge you to preserve the tax-exempt status for PABs by not including Section 3601 of the House bill in the Tax Cuts and Jobs Act (H.R. 1) Conference Report. For the reasons described above, the use of PABs should actually be enhanced – not terminated – going forward. Thank you for considering our views at this important time.

Sincerely,

Airports Council International – North America
American Association of Airport Executives
American Association of Port Authorities
American Concrete Pavement Association
American Concrete Pipe Association
American Council of Engineering Companies
American Foundry Society
American Institute of Steel Construction / National Steel Bridge Alliance
American Investment Council
American Iron and Steel Institute
American Public Transportation Association
American Road & Transportation Builders Association
American Society of Civil Engineers
American Traffic Safety Services Association
Associated Equipment Distributors
Associated General Contractors of America
Association for the Improvement for American Infrastructure
Aviation Strategies and Trade Solutions, Inc.
Bond Dealers of America
BPC-Action
Building America's Future
Coalition for America's Gateways & Trade Corridors
Design-Build Institute of America
International Bridge, Tunnel & Turnpike Association
International Union of Operating Engineers

Laborers International Union of North America
Municipal Bonds for America
National Alliance for Public Charter Schools
National Asphalt Pavement Association
National Association for State Aviation Officials
National Association of Water Companies
National Council for Public Private Partnerships
National Electrical Contractors Association
National League of Cities
National Stone, Sand and Gravel Association
National Utility Contractors Association
North America's Building Trades Unions
Portland Cement Association
Rebuild America's Schools

CC: Members of the United States House of Representatives
Members of the United States Senate