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U.S. Senate

Date: Wednesday, March 2, 2022

Committee on Environment  
and Public Works

Washington, D.C.

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IMPLEMENTATION OF THE INFRASTRUCTURE INVESTMENT AND JOBS ACT BY  
THE U.S. DEPARTMENT OF TRANSPORTATION

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Washington, D.C.

The committee, met, pursuant to notice, at 10:04 a.m. in room 106, Dirksen Senate Office Building, the Honorable Thomas R. Carper [chairman of the committee] presiding.

Present: Senators Carper, Capito, Cardin, Whitehouse, Merkley, Markey, Duckworth, Stabenow, Kelly, Padilla, Cramer, Lummis, Wicker, Sullivan, Ernst.

STATEMENT OF THE HONORABLE THOMAS R. CARPER, A UNITED STATES  
SENATOR FROM THE STATE OF DELAWARE

Senator Carper. Good morning, everybody. I am happy to join Senator Capito and our colleagues and welcome everyone to our hearing this morning.

I especially want to let the Secretary know how grateful we are that you worked us into your schedule. I know you have a lot of demands on your time. We are really pleased that you could be with us this morning for us to hear from you, and for you to hear from us, as well. We are grateful. Trying to do your job on the heels of an infrastructure package that is monumental and trying to raise a young family, you are a busy man. Welcome.

Now to the topic of today's hearing, that is the implementation of the Infrastructure Investment and Jobs Act, also known as the Bipartisan Infrastructure Law. This law represents the single largest investment in our Nation's history with respect to our roads and bridges, I think, since the construction of the Interstate Highway System almost three quarters of a century ago. This is a historic win for the American people in red States and blue States and throughout the United States.

As we discuss this bipartisan success story, I think it is important to acknowledge the significant role that our committee

played in drafting this legislation. Last May, after months of hard work, our committee unanimously reported out a surface transportation reauthorization bill by a vote of 20 to zero.

Before that happened, some of you know that a new President just went into office and asked me to pull together a small group of Democrats and Republicans off this committee to discuss the need for infrastructure legislation, roads, highways, bridges, as well as water, wastewater, flood control.

It turned out that a week or so after that, Senator Capito, Senator Cardin, Senator Inhofe, and I joined the President, and you joined us remotely, Mr. Secretary. Kamala Harris, our Vice President, was there in person. The President called for us, as a committee that is known to work together on legislation, to actually try to enact bipartisan legislation that focused on infrastructure. That is what we set to work to do.

Senator Inhofe is not here with us today. He is back home with his wife, Kay. We are thinking of them today. He is the longest-serving current member of the Environment and Public Works Committee. I think he joined this committee back in 1995, right in the middle of my first term as governor. He served as our chairman from 2006 to 2006, and was the Ranking Member from 2007 to 2013. He is someone that we look to for leadership on these issues. We are sending our best to him and his wife, Kay, today.

Now to the topic of today's hearing, Implementation of the Infrastructure Investment and Jobs Act. As we discuss this success story, I think it is important to acknowledge the significant role that our committee played in drafting that legislation. We passed unanimously out of this committee legislation on surface transportation. We did that, beating the deadline that the President set for us by a month or so. We reported it out unanimously 20 to zero, after we reported out unanimously, 20 to zero, water infrastructure legislation.

Our bills went on to serve as the foundation for what would become a broader bipartisan infrastructure package. Senator Capito then became, before we had a gang of 20, or a gang of 19, we had a gang of one. She and the President spent days together, weeks together, trying hard to hammer out a bipartisan compromise, which really laid the groundwork for what would actually become the legislation that we passed in the Senate, passed in the House, and the President signed into law.

Senator Capito and I had the privilege of managing that historic package on the Senate Floor. We stood together on the White House lawn that cold day in November when President Biden signed it into law. I thought it was so cool, we will just say, the President is here, he walks out of the White House, and he is standing at the podium to address about a thousand or so of us on the White House lawn.

Three of us, Senator Capito, Senator Manchin and I, three West Virginia kids, ended up helping to craft the legislation and managed it on the Floor and were there with the President when he signed it into law. It was a very special day.

As we drafted and negotiated the bill, I had several top priorities in mind. They included enhancing the sustainability and resilience of our transportation systems, improving safety, especially for pedestrians and bicyclists, as well as addressing the backlog of repairs for roads and bridges in poor condition throughout our Nation.

That is why I am pleased to see this Administration encouraging States to use federal highway funds to prioritize these same goals. Notice I said encourage; underline that. Encourage, not require. And as a recovering governor, I never like for the Federal Government to require us to do a lot of stuff. But encouragement, we are always ready to listen to that. And that is an important distinction that we need to make today.

To me, advancing these goals is common sense. As it turns out, many States agree. The American Association of State Highways and Transportation Officials, whom Senator Capito and I addressed earlier today, declared that States very much share the Administration's priorities of addressing climate change, safety, and roadway maintenance.

This should not come as a surprise. We know that the transportation sector accounts for the largest source of greenhouse emissions in our economy, something like 30 percent of carbon dioxide emissions are from cars and trucks, about 28 percent comes from our power plants. Another 25 percent or so comes from our manufacturing operations, cement plants, steel mills and that sort of thing.

But meeting our shared climate goals also requires us to prioritize projects that reduce emissions and boost resilience. That is why we included the first-ever climate title as part of the bipartisan Infrastructure Law. In addition to our \$18 billion climate title, we also secured \$5 billion to build a national electric vehicle charging network, as well as funding to purchase electric transit in school buses, too. When we look at the need to address safety on our roads, that is pretty clear. It provides a clear, yet alarming picture.

The first nine months of 2021, U.S. traffic deaths rose to the highest number since 2006, with fatalities of pedestrians and bicyclists at a 30-year high. Let me say that again, a 30-year high. To reverse this troubling trend, the Bipartisan Infrastructure Law makes significant investments in roadway safety, especially for our more vulnerable road users. Bike lanes and sidewalks not only benefit the safety of people who use them, but also are good for our health, our economy, and our

planet. Encouraging agencies to build them is a win-win. I applaud the Administration for emphasizing safety for all road users as part of its national roadway safety strategy.

As a runner, I know our witness here today does a little running, as an old Navy guy, he stays in shape as a runner. As someone with a son who is going to be riding a bike from San Francisco to L.A. later this year to raise some money for a good cause, this is personally important, too, to our family.

The third point I want to make is when we look at fixing what is broken, we get to what makes infrastructure personal for many families. Americans feel the impact of our crumbling roads and bridges every day when they commute to work or go to school. Most agree that we should encourage States to fix and maintain our roads and bridges that are in poor condition.

The Bipartisan Infrastructure Law largely maintains the existing, this is an important point, the Bipartisan Infrastructure Law that we passed largely maintains the existing structure of State and local decision-making and the process for distributing highway funding by formula to States. However, the law also contains an unprecedented increase in funding for our Nation's surface transportation programs. The sheer size of this funding leaves no question in my mind that State and local agencies can both redouble their efforts to repair our roads, highways, and bridges, and begin to address safety,



sustainability, resilience, and other local priorities.

We have an opportunity, as I like to say, to walk and chew gum at the same time. Let's do both.

In closing, before I turn to Senator Capito, let me just say I hope we can all take this opportunity today to celebrate our transformational bipartisan accomplishment. Too often, Americans see their elected leaders in Washington picking partisan battles that don't achieve potential results. But by enacting this once in a generation investment in our Nation's infrastructure, our roads, our highways, our bridges, our water, drinking water, wastewater, flood control, we have demonstrated that bipartisanship is not only possible, it is essential.

This new law is already beginning to grow our economy, creating a ton of additional good-paying jobs, and make a positive impact on a whole lot of lives. It is a major win for which all of us can be proud, and should be proud. I am, and I know that other members of this committee are as well.

That being said, implementation is critical. Mr. Secretary, as you know, the work ahead of us for you and your team is immense. We know that you are focused on ensuring that the American people experience the benefits of the new law as quickly as possible. We look forward to hearing your testimony today on the Department's critical work in putting this money to work for communities across our Country.

Before we do that, let me recognize our Ranking Member, Senator Capito, for her opening remarks. Again, I thank her and her team for being vital partners in getting this law enacted. Also, I thank her for showing the way and being, before there was a gang of 19, a gang of one.

[The prepared statement of Senator Carper follows:]

STATEMENT OF THE HONORABLE SHELLEY MOORE CAPITO, A UNITED STATES  
SENATOR FROM THE STATE OF WEST VIRGINIA

Senator Capito. Thank you, Mr. Chairman. And thank you, Mr. Secretary, for being with us today. I think this is going to be a great hearing. I thank the Chairman for his ongoing commitment to bipartisan oversight of the implementation of the IIJA.

I am proud to say, as he has said, that the foundation of the IIJA consists of two of our committee's bipartisan products, which were unanimous coming out of this committee, the Surface Transportation Reauthorization Act of 2021, and the Drinking Water and Wastewater Infrastructure Act of 2021. This historic legislation proved once again that we can come together to develop bills that tackle our Nation's pressing challenges in a manner that reflects input from both of our parties in a diverse stakeholder community.

I will say in the week that I was home last week we were already starting to see the benefits and the excitement from counties and cities and regional areas who are going to be able to really make a difference in a lot of people's lives.

I also want to thank you, Secretary Buttigieg, for joining us today, as well as the staff at the Department of Transportation for their tireless work to implement the IIJA, and also for their work in formulating many of these projects,

the visions that are contained within.

As we look at the status of the implementation, it is important to acknowledge that the Department is constrained in its efforts by operating under the current Continuing Resolution. Senators on this committee, including myself, have urged our colleagues on the Appropriations Committee, I guess I am urging myself, because I am on that committee as well, to take action to ensure that the IIJA be fully implemented as quickly as possible. Hopefully next week we will have some resolution, whether through enactment of a final Fiscal Year 2022 legislative appropriations, or providing anomalies so that the States can take advantage of the new levels of formula funding.

Implementation is further compounded, I think, by the still vacant position of the administrator of the Federal Highway Administration, the FHWA. I have repeatedly said in this committee that a Senate-confirmed administrator is critical to ensuring timely and effective implementation, and would certainly help the Secretary as well. Chairman Carper and I sent a letter to the White House on this matter earlier this year. I look to considering a qualified nomination for this position.

As the committee was developing the Surface Transportation Reauthorization Act, the Chairman outlined many of those

provisions, I came to the table with several major policy and funding priorities. I am proud to see that many of them are reflected in the final project. I would like to take a minute to highlight a few of my priorities.

The IIJA provides significant funding levels, \$303.5 billion, out of the Highway Trust Fund over five years for federal highway programs. Ninety percent of that funding is being distributed by formula, giving States the much-needed certainty to plan and carry out projects to address their unique surface transportation needs. My home State of West Virginia will receive over \$3 billion.

This legislation also created a \$2 billion Rural Surface Transportation Grant Program that includes dedicated resources for the Appalachian Development Highway System, the ADHS, and other critical projects across West Virginia. This dedicated funding is critical to completing the ADHS, in particular Corridor H in West Virginia, where I just visited last week, which will connect the eastern and central parts of our State with the Metro D.C. area and open up more opportunities for economic growth and tourism.

The IIJA also includes numerous project delivery provisions, including environmental review and permitting reforms for highway and bridge projects. Notably, it codifies One Federal Decision which requires agencies to coordinate on a

predictable, joint schedule, and sets a two-year goal for completing the environmental review and permitting process for major projects, which we heard could take previously between seven to ten years.

The IIJA also includes a number of policy and funding wins for my colleagues across both the aisle and up and down the dais. All of these priorities were addressed in a bipartisan manner through thoughtful negotiation. Nobody got everything they wanted. Some priorities were considered and intentionally excluded over the course of the negotiations.

On December 16th, the FHWA issued a memorandum to staff entitled Policy on Using Bipartisan Infrastructure Law Resources to Build a Better America, which I found troubling. The memorandum provides an overarching policy framework to guide the use of funding in the IIJA in a manner that reflects the policy priorities of the Biden Administration. A number of these policies run contrary to the compromises that this committee made when negotiating the Surface Transportation Reauthorization Act and seeing it through its enactment.

Specifically, the memorandum seeks to restrict the flexibility of States and impose a one-size-fits-all solution to address the surface transportation needs of all communities. It discourages States from moving forward with projects that add highway capacity, and instead prioritizes projects that improve

existing surface transportation assets.

The memorandum also, in my view, creates winners and losers among different types of projects based on their level of environmental review required by NEPA. It attempts to direct funding to assets not owned and operated by State DOTs and it focuses on projects that advance the Administration's priorities regardless of whether these projects meaningfully address the needs of a particular State or community.

In response to this memorandum, I promptly met with Deputy Administrator Pollack, expressed my concerns, and I expressed them to you yesterday over the phone. Since then, numerous Senators on both sides of the aisle and the stakeholders have raised a similar alarm about this memorandum.

Approximately two weeks ago, my colleagues and I, including every Republican on this committee, sent the Secretary a letter requesting that this memorandum be rescinded or substantially revised to demonstrate that the FHWA intends to implement the IIJA as enacted. I look forward to hearing from the Secretary on these and other important matters.

I yield back my time.

[The prepared statement of Senator Capito follows:]

Senator Carper. Thank you, Senator Capito.

I want to mention a couple of things about our Secretary today. I didn't realize that he is a Rhodes Scholar. I said to my staff, do you spell that R-O-A-D-S or R-H, or --

[Laughter.]

Senator Carper. They said, it could be either one.

I asked if he ever spent any time in uniform, and they said, in fact, he was in the Navy. As one Navy guy to another, thank you for that service. I spent some time in Southeast Asia during the war. Our witness today spent some time in Afghanistan during the conflict there where we had a major presence.

He has served as the mayor of South Bend, which is -- how many people live in South Bend these days? A couple hundred thousand?

Mr. Buttigieg. About 100,000, yes.

Senator Carper. Jim Inhofe is not with us today, as I said earlier, he is a former mayor of Tulsa. We have people here who have been former governors and mayors. So you ought to feel very much at home. We are glad that you are our Secretary and very much appreciate the opportunity.

The other thing about our witness today is he has surrounded himself with excellent people in his previous roles, but also here in his role as Secretary, because he stole about



half my staff, Andrew, and I think a couple of them are here. We are going to keep them until we get everything we want from you and your department.

[Laughter.]

Senator Carper. I am just kidding. You got some really good people, and you know that.

So with that, your testimony this morning will be made part of the record, and I thank you again for joining us. Mr. Secretary, please proceed.

STATEMENT OF THE HONORABLE PETE BUTTIGIEG, SECRETARY, UNITED STATES DEPARTMENT OF TRANSPORTATION

Mr. Buttigieg. Thank you very much, Chairman Carper, Ranking Member Capito, members of the committee. I want to thank you for the opportunity to testify on the Department of Transportation's ongoing work to implement President Biden's historic Bipartisan Infrastructure Law.

I would like to begin by thanking you for everything you did to craft and to pass this urgently needed piece of legislation. It is a landmark that we believe will stand to the credit of this Congress and this Administration alike.

As members of the committee know well, America's infrastructure fell into a state of disrepair for decades. The American people rightly demanded action. We had yet another blunt reminder of the urgency and need just last month in Pittsburgh, with the collapse of the Fern Hollow Bridge.

As I have traveled across the Country, I have seen supply chains straining, bridges out of service, and critical infrastructure destroyed by increasingly frequent climate disasters. The need for major investment has long been clear, and now, this President and this Congress have delivered the means to address that need.

Through this law, we are now in the early stages of a generational modernization of our infrastructure that will serve

to bolster our economic security and prosperity for decades to come. The investments now underway will strengthen our goods movement and supply chains, reduce costs for American consumers, make it easier and safer for people to get to where they need to be, help tackle the climate crisis, and create good-paying jobs building bridges, paving roads, electrifying buses, installing EV chargers, laying track, and so much more.

At DOT, we are working to implement these investments according to the new law, with a focus on making our Nation's roads safer, making our transportation systems cleaner, more accessible and more resilient to climate impacts, and enabling all Americans to share in the benefits equitably.

We began our work as soon as the President signed the new law. In the past 90 days, we have already put forward a total of \$60 billion in authorized funding to States and communities, and we have opened applications for another \$2 billion in discretionary grant programs.

Our Federal Highway Administration, FHWA, announced the largest annual apportionment of highway funds in decades, more than \$52 billion for States to repair and rebuild our roads, bridges, and highways, making them safer and more resilient.

With regard to federal-aid highway funding, I want to pause and emphasize the importance of the relationship between our department and our State partners, because I know that has been

of particular interest to members of this Committee. I want to make clear that we recognize and value the role of the States in deciding how to prioritize the use of formula dollars, as laid out in the law.

Different States and communities have different needs when it comes to transportation assets that have to be reconfigured and modernized, expanded and added, or retired and replaced, as appropriate. We look forward to our continued support of State transportation departments as they undertake this work.

And I am proud to affirm the virtues of what so many States, from Alabama, to Virginia, to my home State of Indiana, and many more, have been doing to focus on repairing the vital infrastructure we already have. That philosophy is something we at DOT share with State leaders across the country, Republicans and Democrats alike, who are working to maintain and modernize the roads, bridges, and other transportation infrastructure that their residents count on every day.

Maintaining and improving our existing infrastructure is critical to building a better, cleaner, more modern transportation system, and now we can bring new resources and energy to this work. FHWA recently launched our new Bridge Formula Program, the single largest dedicated bridge investment since the creation of the Interstate Highway System, with more than \$26 billion to repair and replace our bridges, so we can

avoid devastating collapses and closures like the one we saw recently.

We have established a Joint Office of Energy and Transportation with the Department of Energy, followed by our announcement of \$5 billion in support for States as they draw up plans to build out what will become a national network of EV chargers, half a million strong by 2030.

We have opened applications for some of our most significant grant programs with more funding than ever, thanks to the infrastructure law, including our RAISE, Port Infrastructure Development Program, and Airport Terminal Program, with more soon to come.

We are working closely with State Departments of Transportation and other project sponsors to ensure they have the flexibility and support they need to deploy all these funds in ways that make sense for their communities, while ensuring that the expenditure of these funds meets our shared public policy goals and the high standards for the use of federal taxpayer dollars.

All of us worked to enact the infrastructure law for the same reason: because we know it will do so much to make life better for the American people. It will improve everyday life for the traveling public and anyone who counts on our supply chains. It will ease daily commutes and long-haul travel alike

and it will create jobs.

We at the DOT look forward to continuing our work with all of you to bring the ambitious vision of the Bipartisan Infrastructure Law to life across our Country.

I want to thank you again for inviting me to be here today. I am looking forward to taking your questions.

[The prepared statement of Mr. Buttigieg follows:]

Senator Carper. Mr. Secretary, thank you very much for that opening statement. I am going to start off with a couple of questions, then I will yield to Senator Capito.

There has been some confusion, I think you addressed it in your opening statement, and I am delighted you have, some confusion about a guidance document that the Federal Highway Administration issued a couple of months ago, maybe back in December. Just for clarification, does the memo tie the hands of States or prevent States from selecting projects to fund using their federal highway formula dollars including adding highway capacity if they choose to do so?

Mr. Buttigieg. No, it doesn't.

Senator Carper. All right. And second, can you tell us any more about why the Department has considered States to consider prioritizing projects to address safety and to address road and bridge construction and emissions?

Mr. Buttigieg. We view these as common sense and longstanding policy goals, and goals that we share with so many of the State transportation leaders we speak to. So under the law, and as we seek to implement it, of course States decide what projects to build with their federal formula funds. We believe that thoughtful road investments are vital to achieving those safety, equity, and climate goals.

Notably, the American Association of State Highway

Transportation Officials, AASHTO, which represents the State transportation departments, and which I know you have been in touch with even this week as they gather, wrote about how States very much share FHWA's policy priorities outlined in this guidance.

States are making these investments not because of any ideological tilt one way or the other, but because they are often more affordable in the short-term, more cost-effective in the medium term, and yield better outcomes for travelers and for movement of goods and for communities in the long term.

So what we are really seeking to do is work with States on the investments that are going to create the most bang for that federal taxpayer buck while recognizing, of course, that context matters, and that what is appropriate in one community or State will be different than what is appropriate in another.

Senator Carper. As Senator Capito knows, and some of our colleagues know as well, I ended up moving to Delaware when I got out of the Navy at the end of the Vietnam war, and had the opportunity to ultimately serve the people there in a lot of different ways.

The foundation of my service to Delaware and really to the Country came from a conversation that we had around a dinner table when my sister and I were just little kids. My mom and dad had gone to Shady Springs High School, which Senator Capito



knows is just outside of Beckley, West Virginia. One night after supper, my dad said to my sister and me, we were very young, he said, your mom and I want you to go to college. And we said, well, we want to go to college, dad. And he said, we want you to figure out how to pay for it.

My father, who never went beyond high school, he was a World War II veteran, GI bill, learned how to fix wrecked cars at Burleson Oldsmobile in Beckley, West Virginia. There were a couple of things he used to say to us a lot. You can probably remember things your parents said to you, and I am sure everyone on this committee, guidelines for our lives.

One of the other things my dad would say a lot to us is that my if sister and I would do some boneheaded stunt, my father would always say, just use some common sense. Just use some common sense. He didn't say it so nicely, but he said it a lot. We must not have had much. But that is some of the best advice I have ever gotten.

I listened to your statement, and the response that you had to my first question. It reminds me of my father, and the use of common sense. I am glad to see that you are following his advice, and I hope I still am as well.

Next, I want to run to the rollout of climate formula programs. We know that the Continuing Resolution has had an impact on U.S. DOT's ability to move forward with some of the

new programs created in the Bipartisan Infrastructure Law. My colleagues on the Appropriations Committee, some of them are here today, are hard at work, and I hope Congress will soon pass an omnibus appropriation bill to fund the Government for the rest of this fiscal year through the end of September.

Once the appropriations bill is enacted, how quickly will the Department of Transportation be able to apportion the new carbon reduction and PROTECT formula programs and provide the guidance necessary for the States to start utilizing those funds?

Mr. Buttigieg. Both of these programs are so important for not only the development toward our climate goals, but the protection of our infrastructure assets with regard to resilience imperatives. So we will get to work as soon as we are able to, thanks to that appropriation that we seek.

We are doing everything that we can, of course, within the constraints that currently exist. But I appreciate you and the Ranking Member both mentioning the sense of urgency that we have about seeing that appropriation come through that will allow us to go full speed ahead.

Senator Carper. Okay. Time is wasting.

Senator Capito, please.

Senator Capito. Thank you. And Mr. Secretary, I appreciate many of the sentiments you have expressed today. But

I want to go back to the memo. I know that you and I have talked about it, and I heard your response to the Chairman.

But we debated these policies in this committee, we debated them with the House and the Senate, as each chamber developed its respective proposals to reauthorize these federal surface transportation programs. These policies were ultimately rejected and not included in the final legislation sent to the President's desk.

Let me give you a specific example, and I believe you have it there, because there is no way you could read it from there. House Chairman Peter DeFazio's Invest in America Act included language that would restrict the ability of a State to carry out a project that added new capacity for single occupancy passenger vehicles. His language is shown on this one, over here, you can see it has some highlighted areas.

The FHWA memo directs FHWA staff to encourage State departments of transportation and other entities to consider certain factors before advancing projects that result in new capacity for single occupancy vehicles. The language from this memo is shown in this other poster here. As you can see, this language from the memo is lifted from the bill that DeFazio had that was sent over here to the Senate as the shell bill that we rejected here in the United States Senate.

The Surface Transportation Reauthorization Act, which

passed this committee, had no such language in there. I have said many times, this is a bipartisan bill, it is a product of careful negotiations that reflected the will of the committee unanimously.

You sent me a letter earlier in response to my bringing this to your attention. Your memorandum said that it is consistent with the Bipartisan Infrastructure language. I just don't think it is consistent, and I am really troubled that a memo coming from your department has language in it that was rejected from the House bill basically verbatim.

What is your reaction to that?

Mr. Buttigieg. I would say my understanding is what was rejected was the mandate with regard to these goals, not the idea of these goals. So as I look down the text, for example, the first one I see is, progress in achieving a state of good repair consistent with the State's asset management plan. Now, I cannot imagine that anyone here rejects that proposition that it is a good thing to have progress in achieving a state of good repair consistent with the State's asset management plan.

What I do recognize is that there was a move in the House to say that unless you have shown that progress, you couldn't even go forward on some of that new construction. If that were to have prevailed, then of course, my department would be responsible for implementing that law.

But that is not what the law says that you passed, of course. The law does not say that you have to prove that you have made that progress on a state of good repair in order to do anything else. But I would be perplexed by any suggestion that we should no longer believe that a state of good repair is a good thing.

If I were to go to the next bullet, and I am just seeing this here, but I think it is the same that is on the board, and I appreciate your providing for me, because it is a bit of an eye chart from where I sit. It is a reference to how the project will support the achievement of the State's performance targets.

Again, as I understand the progress of the bill, the Senate did not go forward with the requirement saying the State has to meet its performance targets in order to be allowed to do new construction. So as we go forward implementing the law, we would not impose any such mandate. But of course, we still believe it is a good thing for a State to achieve its performance targets.

If I go to the third one, it says whether the project is more cost effective than both operational improvements to the facility or corridor and transit projects eligible under Chapter 53, Title 49. So my understanding is, had the House bill passed, we would be required under the law to certify that in

some way in order to allow that funding to go forward.

But of course, that is not what passed, as you point out. So there is no such requirement. But of course, cost-effectiveness continues to be something that we would consider to be important and would support States in achieving.

To me, the difference is, of course, that mandate. My understanding, and our understanding as we go forward, implementing the law as written is it has no such mandate. That is why the memo says that there is no such requirement.

Senator Capito. So from your explanation, what I assume, the fact that they are verbatim from the DeFazio bill into the memo that came from your department word for word is just because?

Mr. Buttigieg. It is because they are good ideas. It is just that the law doesn't mandate them, so neither will we.

Senator Capito. Are you in the habit of lifting language from unpassed bills and putting it into regulations that you are putting forward that obviously have been negotiated out of bills?

Mr. Buttigieg. Again, our understanding was that what was negotiated out was not the idea of cost-effectiveness, but the mandate. As we seek to implement the bill as written, you will continue to see phrases like state of good repair that I trust have been on the lips of Secretaries, Republican and Democrat

alike, and members of both parties in both chambers. But the law as written does not provide --

Senator Capito. You are basically saying yes, these things are important, these things are things that we as States, the formula is different for Maryland than it is for me or Delaware or North Dakota. So let us keep the flexibility of moving forward on safety and repair. This is what State DOTs do. They keep their roads as much as they can in good state repair. That is what they are doing now and have done.

But now we have an opportunity with the Bipartisan Infrastructure package to really build more where areas that need that, and in your memo, you say, more capacity but, there is a big but in there, you have to consider all these other things, you should consider all these other things.

If you look further into the AASHTO letter, since you brought it up, some of the quotes are, while the legislative process that led to the IIJA was certainly unconventional, and the Congressional intent regarding the federal highway program over the next five years provides State DOTs with flexibility in how investment decisions are made with formula to meet each State's mobility and accessibility needs, proposals to require fix-it-first solutions or prescribe the use of certain sources of funding for system preservation do not reflect the use of strategic planning, but rather a one-size-fits all approach to

asset management.

This is part of the letter that you are quoting from as well, as they deviate from what they see is a directive from the Department to do it one way, this way, if you want to have favorable, or at least move higher up into the priorities.

What kind of reaction would you have to that?

Mr. Buttigieg. I think the States are rightly saying that they share these same goals that we are talking about, the kinds of goals that are reflected in these bullets, for example. But they want the flexibility to be able to do it based on their strategy, based on their approach and based on their needs.

We support that flexibility. In implementing the law as written, we are to provide the flexibility that is written into the law, and of course, the accountability that is written into the law for the standards that apply to the use of federal taxpayer dollars. That is what we will seek to do.

Senator Capito. Yes, and I will say there is confusion here. There is confusion from the stakeholders, there is confusion from the State DOTs, because they said, they are expressing concern in the letter they sent back to you.

I am going to move on to one more thing before I give up my questioning, I think I am over my time. Maybe I should wait and let the other members question.

I wanted to ask about the One Federal Decision quickly. I



want to know, how are you implementing this, what steps have been taken, what kinds of conversations are you having between all the different agencies?

Mr. Buttigieg. I will give you the most compact answer that I can, which is that we are working hard to implement that, in particular noting the expectation of steps consistent with the two-year agency average in clearing those projects that are major, that have that environmental impact statement attached to them. We would be happy to follow up with more detail on the progress.

Senator Capito. Do you have a timeline for implementing this?

Mr. Buttigieg. It is already, now, we work toward that goal right now. In terms of when we will be able to have the dashboard up and see how we are tracking toward that goal, I hope to be making progress right away.

Senator Capito. Okay, thank you.

Senator Carper. Before we turn to Senator Cardin for the next round of questioning, I want to make a unanimous consent request relating to concerns that were expressed by our colleagues on the other side of the aisle as to whether the U.S. Department of Transportation is creating a new goal of maintaining highway assets that is not consistent with past practice or the statute. I ask unanimous consent to submit for

the record a guidance document from 2004 released by the Administration of George Herbert Walker Bush which makes very similar points with respect to 2021 guidance. The Bush Administration encouraged their staff to promote highway repair and to work with State DOTs to preserve existing highway assets.

I would further like to submit for the record the text of Section 150, Title 23, U.S. Code, this highway law passed by Congress in 2012, which established a state of good repair as a national goal. I believe these documents show that the recent guidance builds on longstanding law and policy to encourage, again, to encourage States to maintain existing assets.

[The referenced information follows:]

Senator Carper. With that having been said, let me turn to Senator Cardin. I want to say to Senator Cardin, who chairs the Subcommittee on Infrastructure on this committee, thank you for your continued leadership both on this committee in the Senate and the work that preceded it for many years in the House of Representatives, and before that as Speaker of the House in the State of Maryland. What a life, what a career. It is an honor to be your wingman here, and to sit next to you last night during that speech.

Senator Cardin. Mr. Chairman, you have a way of introducing people. We appreciate it very much. Thank you. We appreciate your view of history, your own personal examples in your life, how it has formed your priorities.

But most important, I think I speak for every member of this committee, we appreciate your respect for every single member of this committee and bringing us together, to have the type of civility to deal with difficult issues where we have different views, but to be able to move forward in a very positive way. That was very clear with the legislation that Senator Capito referred to, the two pieces passing this committee, and the Bipartisan Infrastructure package, which basically incorporates the work of this committee. We thank you very much.

Senator Capito, I always enjoy working with you. I have a

different view as to your point in regard to the letter issued by the Department of Transportation. I do think we always want to find the right balance, the balance between giving flexibility to the States which are determinative of the priorities that are important for their community, but also to advance priorities, national priorities. As Chairman Carper pointed out, we put that in law.

The balance between maintaining our infrastructure and increasing capacity is one in which we have an interest at the national level to make sure it is attended to, and that we have oversight as to how the transportation programs of this Country are balancing those two very important issues. That is our responsibility.

As we negotiated this bill, many of us had very strong priorities in regard to transportation safety, in regard to equity, in regard to maintenance and resilience, in regard to climate change. We were able to work out the implementing legislation so that we could get unanimity in our committee to advance those priorities.

So yes, Mr. Secretary, we want to maintain flexibility. But we also want to advance national priorities. I think the way that you have explained your letter I agree with completely.

So 90 percent of the funds go by formula programs, we have talked about that, some of the formula programs deal directly

with safety, some of them deal directly with air quality. We have programs that we advance the funding in because that is our priority also. So it is absolutely consistent for you to look at the overall plans of the States to see whether it is carrying out what Congress, in a strong vote, asked you in implementing the Bipartisan Infrastructure package.

I could go through a lot of the specifics. We were directly engaged in equity; we haven't talked about that. I mention that because in my community, we have a highway to nowhere that was built in downtown Baltimore that very much negatively impacted on the residential communities. They were not politically active enough to stop that at the time.

Now, we have an opportunity by Reconnecting Communities that we can use the Bipartisan Infrastructure package to deal with the need of the community because of a transportation project that never should have been built in the first place, and certainly did not attend to the community when it was built. That is an example of how we came together and we specifically spoke to that. I encourage you as to how you implement that.

Then we talked a little bit before the hearing started about bicycle lanes, et cetera. We have a Transportation Alternative Program. That was initiated by us, bipartisan. Senator Cochran and I initiated the Transportation Alternative Program. Now, Senator Wicker is my partner on that. We

provided substantially more funds for the Transportation Alternative Program, increasing it from \$850 billion to \$1.4 billion.

So my point is that the issues that are in the letter that was referred to by Senator Capito are priorities that we have come together as a committee to pay attention to, and it is only reasonable that you would look at the overall plans of the States as to how they are dealing with the priorities that Congress has been advancing now for many of our surface transportation bills.

I want to ask you, we have these new programs to deal with Reconnecting Communities, if you want to give us quickly as status. But I would also like to get to one other question during my time. That is, there was an announcement made to increase the contracting goals for small, disadvantaged businesses. I serve as chair of the Small Business Committee, and we have been laser-focused on trying to help small businesses. I see the Infrastructure Bill as a major tool to help America's small businesses.

But it is also an opportunity to help those small, disadvantaged businesses not just in subcontracts. I hope you will also take a look at prime contracts. If you could share with us how you intend to implement that, I would appreciate it.

Mr. Buttigieg. Thank you very much. We strongly agree

that there is an enormous opportunity with the public dollars that are going to be spent to improve infrastructure around the Country to create jobs and to create generational wealth. We have work that can be done by underserved and I would say underestimated businesses and those who have been overlooked in the past.

So we are being very intentional about that, like many agencies in procurement. But as you know, the vast majority of the dollars that go through our department aren't things that we directly procure. They go out through our grants and our discretionary programs.

So it is with a view to that that we are going to work not only to ensure that there are ambitious goals set, but to take some responsibility for building the capacity in the first place. Because we know that navigating those processes can be daunting for small businesses that haven't sought federal work before.

Like you, I strongly believe that we need to see more disadvantaged businesses get to that prime role while also working with the largest primes that are there right now to ask them what they are doing to ensure that some of their subcontracting goes to DBs that are overlooked. But we want to make sure that we are doing both, and that will continue to be a very important focus for us.

Senator Cardin. Could I ask that you keep us informed as well as the Small Business Committee informed as to how you are implementing that goal? It is a major increase in percentage, which is great. It increases over time, which is also the smart way to do it. If you can keep us informed, our committees, I would very much appreciate that.

Then lastly, in regard to implementing the Reconnecting Communities, I would appreciate as that gets rolled out that we get as much of the information so that we can get it to our communities in order to try to take advantage of these opportunities. I would appreciate it.

Mr. Buttigieg. We certainly will. On Reconnecting Communities, I must note it is one of those new starts that is waiting for us to move out of that Continuing Resolution environment. We will lay as much groundwork for it now as the law permits, while looking forward to being able to move fully forward.

Senator Cardin. Thank you. Thank you, Mr. Chairman.

Senator Carper. Senator Cardin, thank you for those questions, and for your kind words.

Senator Cramer, you are next. Welcome.

Senator Cramer. Thank you, Mr. Chairman.

Senator Carper. You guys might know each other.

Senator Cramer. Well, one of the reasons I was pleased to



support the Secretary is because he came from, well, in North Dakota, a large town, but another famously smaller community in rural America, and would understand the importance of federalism and the importance of a partnership where the Federal Government yields to the local and State governments as opposed to the other way around.

That said, I want to add my appreciation to you, Mr. Chairman, of course, and Ranking Member Capito. I have a saying, Mr. Secretary, that if you want to get big things done, you call on the firm of Carper, Capito, Cardin, and Cramer. We will get it put together.

[Laughter.]

Senator Cramer. Thank you.

But I do want to dig in on the federalism point a little bit, and the memorandum. Because it did create not just some confusion, but concern by people out there who were going, wait a minute. We were told that these smart people simplified the process and yet we are getting this sort of complicating language.

I think with regard to the exact language that we excluded, specifically excluded from the bill, to see it turn up in even a memorandum or guidance as opposed to specific regulation, it almost appears designed to create some of that confusion. I hope that is not the case, but that is how it was taken.

When I listened to you describe to Senator Capito explain why it appears, it sounded to me a little bit like you were arguing against the spirit of the law by using the letter of the law. Again, that adds confusion, because we were very specific. And I want to get specifically to the issue of the single agency, or the one agency rule, which we codified. You said in one of your answers, "We are working to implement it."

What causes me to chuckle there, don't get me wrong, you have a big job, and it is not as simple as I would like it to be, but it is not as complicated as the bureaucracy likes it to be, either. The whole point of one agency is to simplify, to make it easy to implement, right?

So let me ask a specific question about funding. Does this guidance imply whether intentionally or unintentionally, imply a set of priorities that will be used as guidance in the decision of the agency when it comes to awarding grants or some other funding? You can answer the broader question in the context of that specific one if you would like.

Mr. Buttigieg. Sure. What I would say is it certainly reflects our priorities when it comes to discretionary grants, for example, as provided for within the law. Some of the things we have talked about, safety, state of good repair, the economic strength, resilience, these are national priorities, Administration priorities, and things that will certainly guide

me within the parameters of the law in our decisions and our approach to the competitive grants.

With regard to the formulas, again, ultimately the States are making these calls. We recognize that and support that.

We also of course want to help them get to places where they might not even have known some of the flexibilities that exist. I will give you an example that ties back to what Senator Cardin was raising, with Transportation Alternatives. There are a number of authorities and flexibilities within the Surface Transportation Block Grant that I think many States would like to take advantage of. But it might be helpful for us to remind them that they have access to that, because that has evolved over time.

But ultimately, the left and right boundaries here are the letter of the law. That is all that I can work within deciding what to do in implementing these formula programs.

With regard to the One Federal Decision, having been a local leader and waded through these processes, let me just restate my commitment to making sure that administrative inefficiency is never accepted as a reason for any of those process to take longer than they could. If we can beat those targets, that is even better.

Senator Cramer. Thank you for that. I think in this era of pretty hyperinflation, where the supply side of the economic

formula has been shorted, we have best get after it real quickly. I appreciate your commitment to that. We need to do our part as well and pass in Appropriations, I know we are all committed to that, please tell me we are going to get that done.

I will end with this. Federalism really does work. The absence of prohibition is not a license to do whatever the bureaucracy wants. I think that is how it appears to some people. I hope that your clarification is comfort, because my advice to my governor and to my State, and frankly, the five-State coalition of North Dakota, South Dakota, Montana, Wyoming, and Idaho, that work together on these policies, it is a really big footprint out there, my advice to them is to ignore it, frankly, the memo. Because the five of them know exactly what to do in rural America.

Thanks, Mr. Chairman, and thank you, Mr. Secretary.

Senator Carper. Thanks for those questions, and especially for giving us -- what was the law firm?

[Laughter.]

Senator Cramer. I didn't say law firm, I was specific to not say that. But we do make laws. The consulting firm of Carper, Capito, Cardin, and Cramer, I think we could do big things together. So far, we have been pretty good.

Senator Carper. That is great. I oftentimes, and I know probably all of us do, I love when I visit senior centers and

places like that in Delaware and meet couples that have been married for 40, 50, 60, 70 years. I almost always ask them what is the key to a long marriage. The best answer is actually repeated by a number of people: the two Cs, communicate and compromise.

Senator Cramer. There you go.

Senator Carper. We are pretty good at that on this committee. It gets us to a third C, which is consensus, which is what we are trying to do.

Senator Cramer. That is how you get unanimous votes.

Senator Carper. There you go.

All right, Senator Merkley. Not a C, but very much a consensus builder on his own.

Senator Merkley No, Mr. Chairman, I feel very much excluded from that.

Senator Carper. An honorary member.

Senator Merkley. I think we are going to have the Markey and Merkley team do something to respond.

[Laughter.]

Senator Merkley. Mr. Secretary, two quick comments, then an advocacy. In the Infrastructure Bill is the Monarch and Pollinator Highway Act, and idea that came from Lamar Alexander in Tennessee to use highways to create insecticide-free pollinator plots to help maintain the strength of our

pollinators. I just want you to be aware of that.

We have seen one of our pollinators, the Western Monarch, drop to less than 1 percent of the population that existed 20 years ago. Obviously, that is a very scary indication for pollinators. But it also touches the heart because the Monarch butterfly touches the heart. To have the next generation of children grow up and never see one is just something we can prevent by utilizing some of our byways along our highways. We would like your help on that. It is now fully authorized.

The second, I called and talked to you about vehicle charging stations, and doing them in a manner that makes it as easy to fill up on electrons as it is to fill up on gasoline. Our current system is absolutely chaotic. You have no idea what system you are going to be charged for, is it a club card, is it by the minute, is it by the hookup, is it by the kilowatt hour. You have no way to compare them, you don't know if you are being price-gouged, and sometimes you are, after the fact.

If we do these stations and they result in the expansion of the same chaotic, confusing system we have now, we have all missed a massive opportunity to do it right. This is in your hands. Please make sure we do this right.

Then let me turn to the third piece, and that is the MEGA projects grant program. We have in Oregon a deep-water port that is unutilized in Coos Bay. It was considered for many

projects over time that have failed, including a potential LNG export facility that didn't work out for a host of reasons.

But it is a perfect place for a container port. There is a whole operation underway to make this happen. You have an existing federal channel. You have quick access to the open ocean. You don't have to go 100 miles up the Columbia River, as you do for the Port of Portland. It would expand the west coast container facility effort by 10 percent. You have a railroad line that takes you through the coastal mountains to the Willamette Valley to a class one transportation network. You have the land in place for the development of the port itself.

But it is a big project. But it meets every one of the five stipulations for the MEGA projects grant program. So I am asking for you and your team to take a very close look at this. Because when I think about the vision of doing things that have regional and national significance on our transportation system, on our economy, this is it. This is the perfect poster child.

So I would simply ask that you and your team take a very, very close look at this possibility. I don't know if you are already familiar with it, but I would be glad to escort you through the Coos Bay Container Port Project.

Years ago, the short line that existed to the Willamette Valley, the company that owned it was going to tear up the railroad tracks and sell the steel. We got the funding in the

State of Oregon to buy that line, save that railroad line. It is being used now; it is being improved now. It will have to be improved further.

We are ready to invest a lot of money to be able to double-stack containers through a series of tunnels, strengthen the bridges for the weight. We have the land ready. But we are going to need significant federal support. I hope it will be at the top of your list for the MEGA projects.

Mr. Buttigieg. Thank you. I look forward to a chance to see the region for myself. I am certainly interested to discuss anything that enhances supply chain capacity in this Country.

Senator Merkley. Thank you very much.

Senator Carper. Senator Merkley, thank you for joining us.

I think Senator Markey has joined us. We have a couple of people in line. Thanks for coming today.

Senator Lummis is next, and I believe she is going to join us by WebEx. Cynthia, are you out there? Senator Lummis.

Senator Lummis. Thank you, Mr. Chairman.

Secretary Buttigieg, thank you for your time today. On February 11th, a federal court issued a preliminary injunction that prohibits 11 agencies, including the Department of Transportation, from using a metric known as the social cost of greenhouse gases. That injunction also prohibits the DOT staff from participating in the interagency working group established



by President Biden. His Administration is using figures to help justify its sweeping environmental agenda.

Has DOT fully stopped using this figure as required by the court?

Mr. Buttigieg. We are making sure to comply with all court decisions and relevant laws. We are still reviewing this injunction. It certainly has the potential to impact a number of rulemakings, grant programs, and other projects.

So we are trying to work through that in a way that minimizes the disruption to our ability to get rules done and to get dollars out the door, but meets our ability to, of course, respond in every legally appropriate way to the meaning of the injunction.

Senator Lummis. I will be interested in receiving documentation demonstrating DOT's compliance with portions of the injunction. Can I rely on you to help me get that information?

Mr. Buttigieg. I would be happy to follow up with you on anything you need relative to our compliance.

Senator Lummis. Great. Thank you so much.

I want to switch to the issue of truck parking. Mr. Secretary, one of the issues that I focused on during my time serving on this committee has been the lack of available truck parking. It came up even as recently as last week. I was in

Wyoming, got right from Cheyenne to Laramie on Interstate 80, they closed the interstate right in front of me due to weather issues. And here was a ribbon of highway with trucks lining both sides, and very difficult for anybody not driving a truck to get off. So you have trucks idling for miles during the hours that it took to reopen Interstate 80.

States have the ability to create truck parking capacity within the current formula programs, but there is still a lack of capacity. How concerned is DOT over this issue?

Mr. Buttigieg. Very concerned. And I appreciate your raising this. This is a very important issue, and if you talk with any truck driver, it is not only an issue of convenience; it is an issue of safety.

Senator Lummis. Yes.

Mr. Buttigieg. I might add, as you pointed out, with the idling that goes on, it is even an issue of emissions.

Senator Lummis. You are absolutely right.

Mr. Buttigieg. I share your enthusiasm for addressing this. I was just with a number of folks from the trucking industry the other day.

Let me mention a few programs we think could be useful here. The Surface Transportation Block Grant Program, National Highway Freight Program, the Highway Safety Improvement Program, as we talked about this being a safety issue, the National

Highway Performance Program, and the Congestion Mitigation and Air Quality Improvement Program.

But let me also mention that I don't think it is unreasonable to look into whether the Carbon Reduction Program, and in some ways, perhaps, in certain locations a discretionary program that is for reducing truck idling at port facilities might be relevant here as well. We are hearing this everywhere we go with truck drivers.

I would welcome an opportunity to work with you to make sure that the funding and the authorities available in the law are actually being used to alleviate that program.

Senator Lummis. Fabulous. Thank you. I would be delighted to work with you on that. It is a big issue in my State, especially on Interstate 80, which crosses the entirety of southern Wyoming.

Now, it is my understanding that the most recent Jason's Law report has been completed but not released to the public. Can you explain what the delay is there? Jason's Law dealt with truck parking a couple of highway bills ago. The report is apparently delayed.

Mr. Buttigieg. Let me run that down and try to get more up to date information for you on that.

Senator Lummis. That will be great. Thank you so much, and I will reach out to you subsequently so I can make sure that

Wyoming's DOT is accessing every possible program available to alleviate our truck parking issues on Interstate 80. I really appreciate your time today, Mr. Secretary.

Thank you very much. I yield back.

Senator Carper. Senator Lummis, thanks so much for joining us. You wouldn't know this, but when we were live, the first five or six members were asking questions, and then we went to you on WebEx. You have heard the term, voice of God. Your voice was so loud we could probably have heard you all the way in Wyoming. A voice from around the world.

[Laughter.]

Senator Lummis. Sorry about that. I don't have Chaplain Black's baritone, so that was probably a little annoying, Mr. Chairman.

Senator Carper. No, it was not annoying at all. He doesn't have your volume, either.

All right. It looks like Senator Padilla is next on WebEx, Senator Wicker is here, is that correct, ahead of Senator Markey? All right. My staff says Senator Whitehouse is next. Sheldon, if you would make your way.

Senator Whitehouse. Thank you very much. Mr. Secretary, thank you for being here.

I understand there has been some suggestion that the Department should not make any efforts to mitigate

transportation greenhouse gas emissions or to ensure infrastructure resilience in the implementation of the Infrastructure Bill. I wanted to ask, it is true, is it not, that the Bipartisan Infrastructure Law includes a climate title?

Mr. Buttigieg. Correct.

Senator Whitehouse. And it is true that it also includes funding that is required to be used on emissions reductions and resilience?

Mr. Buttigieg. Yes.

Senator Whitehouse. And it is also true that it requires all States to develop a strategy to reduce emissions from the transportation sector, correct?

Mr. Buttigieg. Yes.

Senator Whitehouse. You had some questions about the application of the social cost of carbon decision out of the District Court in Louisiana. Does that decision relieve you of any responsibilities to make decisions in fact-based way, in a fact-based environment?

Mr. Buttigieg. Not at all.

Senator Whitehouse. With respect to the Administrative Procedures Act, if facts are developed through the notice and comment procedures, you will continue to abide by the strictures of the Administrative Procedures Act and make decisions that are consistent with the facts that have been developed in the

hearing process?

Mr. Buttigieg. We would.

Senator Whitehouse. And in grants, is it appropriate for the Department to recognize harms and benefits of applicants' projects and consider the harms or benefits of the applicants' projects in evaluating which grants should be awarded and which grants should be deferred or denied?

Mr. Buttigieg. As provided in authorizing statute, absolutely.

Senator Whitehouse. And in a fact-based environment, is it not a fact that there are substantial costs associated with carbon pollution?

Mr. Buttigieg. Unquestionably.

Senator Whitehouse. In Rhode Island, the particular facts that are of most concern to us have to do with flooding. We are looking at potentially feet of sea level rise toward the end of this century. That means redrawing the map of Rhode Island. We have some of the best mapping in the Country. We realized early on that FEMA maps were defective, inaccurate, and failed. So we drew our own. That program has been very, very successful, and is looked to from around the Country.

So I am hoping that you will support better mapping to make sure that the projects you are looking at are being evaluated against best science and best predictions of what is actually

going to be there as sea levels rise or as river flooding renders properties more and more vulnerable to being underwater.

Is that your understanding of your responsibilities?

Mr. Buttigieg. Certainly. I come from a river city, and I have had the experience of looking at the rising floodwaters and realizing that what was characterized as a 500-year flood is increasingly becoming almost a semi-annual event. That has been the experience in a lot of different places.

Sometimes we take those mapping or other criteria as given under the statute. But we always want to make sure that we are working with the most accurate and up to date information that we can.

Senator Whitehouse. The disinclination I often see in this building to take climate warnings seriously is very regrettable. It is particularly regrettable for coastal States like mine which are looking at very significant repercussions from our refusal to acknowledge fact-based problems that we can solidly predict are going to come at us.

If other States were having to look at having to redraw their boundaries because of a problem, they would expect some sympathy and consideration from colleagues. I would hope that as people look at what is being predicted pretty much uniformly for coastal States, we take into consideration the reality of those concerns and the danger to our coastal environments.

It is not just me, and it is not just environmental groups, and it is not just coastal communities that are saying this. Freddie Mac, Freddie Mac, the big federal mortgage insurer, has warned that we are headed for a coastal property values crash. For colleagues who don't have coastal property, they may think that is funny or not of concern to them.

But the crash predicted by Freddie Mac is of such severity, like 2008 mortgage meltdown level severity, that it is predicted to cascade through the economy in the same way that that did, well beyond the affected mortgages, and create economic dislocation across the Country.

So please continue to pay attention to this, Mr. Secretary.

Mr. Buttigieg. You have my commitment.

Senator Whitehouse. Thank you.

Senator Carper. Senator Markey, I believe you are next. Then we will go to Senator Ernst, I think Senator Duckworth is going to join us by WebEx, Senator Kelly, Senator Padilla. Senator Markey, thank you for your patience.

Senator Markey. Thank you so much, Mr. Chairman. Everything that Senator Whitehouse said goes for Massachusetts as well by extension. We are subject to all of the same threats that Rhode Island is subject to. Again, the most important environmental case thus far in our history, Massachusetts v. EPA, is based on the erosion of the Massachusetts coastline, and



by extension, Rhode Island. They voted five to four to mandate that the EPA had to make an endangerment finding.

So that has already been done. We know this is happening, and we know that we have an absolute responsibility to ensure that we put in place the protective measures.

Last year, Chairman Carper and I reintroduced the Green Streets Act, which would set goals to cut emissions from the National Highway System and help States protect the systems from unavoidable climate impacts. We have money for that already in Build Back Better. We still have to work hard in order to get that passed. But there are already steps you can and should take under the climate title in the bipartisan bill that Senator Whitehouse was just referring to.

Could you talk about those funds and the actions which you can take in order to ensure that we are dealing with the climate-related impacts?

Mr. Buttigieg. Gladly, Senator. This is a major priority for us. It starts with the awareness that the transportation sector is the single biggest contributor of greenhouse gases in the U.S. economy. I view that as a challenge for us to aspire to be the biggest part of the solution. The law that you have sent to us to implement is a major part of how we can do that.

I will point quickly to just a few elements in it that will help us meet that goal. One, of course, is the electric vehicle

funding. We have already put out the guidance for \$5 billion in formula funding to the States for charging infrastructure along highways. That will be followed by \$2.5 billion in competitive funding for community charging grants, all as part of getting that network of half a million EV chargers up.

Then of course there is \$7.3 billion in formula funding to States, and another \$1.4 billion in competitive grants over five years under the PROTECT program, recognizing the climate impacts that are upon us, no matter how effective we are at mitigating them. There is the carbon reduction program, \$6.4 billion to specifically reduce transportation related emissions.

I will note, and unfortunately this is something I have had to repeat a few times in different regards in this testimony, we cannot fully implement this program either while under a Continuing Resolution because of the prohibition on new starts.

Lastly, I will mention the \$500 million Healthy Streets program, which allows for competitive grants to deploy cool and porous pavements and to expand tree cover. These unglamorous measures I think can make a big difference on things like heat islands, air quality, flood risks, and other impacts from our infrastructure development.

Senator Markey. I agree. A lot of these companies, they have landscaping on the side of their truck as they pull up, but it is really land scraping. They are just coming to tear down

the trees, tear down the green and all of a sudden, we have a beautiful new modern street in front of us, and there is just something that has been lost in our Country in terms of valuing trees and all the roles that that can play.

I would like to come back to the community vehicle charging infrastructure aspect of the Bipartisan Infrastructure Bill and what we are also going to be trying to do in the Build Back Better bill. That is just to make sure that there is equity. There is a lot of talk about making sure you can travel across the whole Country, recharging stations.

But I think simultaneously, it is imperative for us to focus upon communities, upon equity questions, upon making sure multi-housing units and communities that probably aren't always thought of to be the first place where electric vehicles are going to be operating, are also a part of this planning.

Could you talk about that a little bit, and how you are envisioning ensuring that while you can travel across the Country and you can make your trip, yet simultaneously people in the community that need these charges will also be given access?

Mr. Buttigieg. Yes, thank you. The equitable access to electric vehicle charging infrastructure is a major priority. I think it is one of the things we will be able to support with that \$2.5 billion for community charging. It is worth noting that lower income Americans would stand to benefit the most from

the fuel and maintenance savings of EV ownership, provided, of course, that they could afford to purchase an EV. There is pending legislation that might help on that front.

Just a few days ago I was in Colorado at an EV charging station at a public housing facility, where there is an electric car share program. So I think it is a great example of how we can move out of the old view where EVs were regarded as a luxury item and recognize them as something that, with support from our policies, should be accessible to everybody.

Senator Markey. Thank you. My father was a truck driver. You kind of get a job where your father works, so I got a job driving a truck for four years. That is how I worked my way through college. But it was an ice cream truck, so I had to pull it into the driveway every night, jump out, and plug it into the side of the house. It took under 15 seconds every night.

Now, my father hadn't thought it through, because now his car can't be in the driveway, my ice cream truck is there. Nonetheless, if we think it through, and Malden is still a community at the bottom quartile of income in Massachusetts, with a plan for those kinds of communities as well, I think people can adapt very easily.

So I thank you for your leadership, Mr. Secretary. Once again, I give you the invitation to come up and see the Bourne

and Sagamore Bridges in Massachusetts.

Mr. Buttigieg. I have not forgotten, and I would have been shocked if it didn't come up, Senator. Thank you.

Senator Markey. And you will come?

Mr. Buttigieg. You can count on it.

Senator Markey. Thank you. I appreciate it. Thank you, Mr. Secretary. Thank you, Mr. Chairman.

Senator Carper. You are pretty persistent. You get an A for persistence. That is good.

[Laughter.]

Senator Carper. Senator Ernst is next. It is good to see you today. You are recognized.

Senator Ernst. Thank you, Mr. Chair. Thank you, Mr. Secretary, for being with us today as well.

Senator Markey's line of questioning actually will lead into my line of questioning as well. I know that the American people really have the Russian invasion of Ukraine first and foremost on their minds as well as higher energy costs. So I am of the thought that energy security is national security.

While it is absolutely clear that you support America's clean energy economy, my concern is that electric vehicles are being prioritized over our biofuels. This will only make us more dependent on those foreign adversaries who control the majority of worldwide production for a number of the key

components that do go into electric vehicles, the cobalt, the lithium, the graphite.

So we do need to be aware of that. Here is an interesting statistic that goes along with this. The Energy Information Administration has projected that 79 percent of car sales in 2050, so about another 30 years away, will use liquid fuels. The USDA states that ethanol has a 46 percent lower greenhouse gas profile than gasoline.

I know you are from the Midwest, and I know there are a lot of biofuels as well in Indiana. Would you agree that the Renewable Fuels Standard and biofuels are an equally, if not more effective, solution to the American energy independence that we need, while also securing a cleaner energy future?

Mr. Buttigieg. Thanks for the question. As you note, I come from the part of the Country where this is very important as well. As a matter of fact, when I was mayor and ran the water utility for our city, my biggest customer was the ethanol plant in our community.

When you look at our EV policy, of course, the focus is on zero emissions vehicles. But I also have a great deal of regard for the role of biofuels and homegrown fuels in America's energy mix. While our work on the zero emission vehicles doesn't really allow us to pick winners and losers outside the boundaries of the categories put forward in the law.

I certainly am interested in opportunities that exist. Notably one area where I think there is increasing interest is, while there of course is a continued very important role in fueling the cars on the road today, is around sustainable aviation fuels. I would love to have a dialogue with you on that as well.

Senator Ernst. Absolutely. I do appreciate that. If there are additional ways that we can use our biofuels, we certainly want to find those avenues.

You did just mention zero emissions for those electric vehicles. The Infrastructure Investment and Jobs Act, within that, electric vehicles are considered zero emissions and biofuels are considered low emissions.

But when we have looked into this, electric vehicles actually do have a significant greenhouse gas footprint from the beginning of their manufacture, whether that is battery creation, actually building the vehicle, and not to mention that probably a lot of the electricity that is being used to power those vehicles is coming from non-renewable sources.

So could you agree that perhaps those electric vehicles are not truly zero emissions?

Mr. Buttigieg. Any economic activity, manufacturing, could have a carbon profile. But we also have done the analysis to demonstrate that even if the electricity is generated from

fossil fuels, the carbon emissions associated with driving a vehicle will typically be lower if it is an electric vehicle compared to if those fuels are being combusted in the vehicle itself.

But certainly I would agree that this is not a black or white issue, that there are many different energy profiles and many different ways of getting around. Again, I think back to my experience as mayor, and our enthusiasm for using CNG in the vehicles that we had at the time. Even taking waste gas from our wastewater facility and putting it into our trash trucks.

Senator Ernst. Yes, and I think that we should be exploring all different opportunities that are out there. But I do want to make sure that at least our American public understands that with the creation of these vehicles and their battery components, many of those components coming from overseas and adversarial countries, just understanding the impacts that we have in creating those vehicles as well.

Thank you. I appreciate your time so much, Mr. Secretary.

Mr. Buttigieg. Thanks, Senator.

Senator Carper. Senator Ernst, thanks so much for those questions, and for joining us today. The point that you make is a good one, one of the points you make is a good one. I understand, I had my staff double check, but I think our friends at General Motors have indicated they are not going to be



selling vehicles that are powered by fossil fuels at some point in time, the number 2035 sticks in my mind. The folks at Chrysler, what used to be Chrysler, have a similar kind of expectation. Those are being pushed by market forces more than anything else.

But as a guy who spent a lot of years in Navy airplanes, the importance of biofuels with respect to air travel, that is key. That is a big, important one. I am glad to see the Secretary is on top of that. Thank you, Joni.

I believe the next person on our list is Senator Duckworth. I believe she is joining us by WebEx. Senator Duckworth, are you there?

Senator Duckworth. I sure am, Mr. Chairman. I agree with you on the importance of biofuels for aviation. United Airlines is really making some of those investments, my hometown airline out of Chicago.

I also want to associate myself with the comments of my friend, Senator Ernst, from Iowa, that the RFS is critically important for that clean energy future and that biofuels are a critical part of that. I want to stress that the cost of gasoline at the pump is not dictated by the price of RIN. There are other factors that drive up the price of gasoline at the pump.

Mr. Secretary, thank you for being here today. I want to

commend you for taking the initiative last year to restore the Local Labor Hiring Pilot Program. We share a real commitment to empowering communities to design infrastructure contracts that prioritize creating new jobs through local and economic hiring programs.

As a former mayor, can you explain the job creation benefits of providing local leaders with the freedom and flexibility to decide for themselves whether they wish to prioritize local job creation when awarding construction contracts?

Mr. Buttigieg. Absolutely, and thank you for the question, Senator. Too often, we hear stories from people who live in a community, they see an infrastructure project happening around them, they see the folks in the hard hats with good-paying jobs working literally in their neighborhood, and think to themselves, it doesn't appear that anybody here working on this project looks like they came from anywhere near here.

It is partly in response to that, and on the positive side, in response to the enormous opportunity to build generational wealth, to support pathways into the middle class, that we want to support local communities that are choosing to move in this direction.

So we have reactivated the pilot program as available to the Federal Highway under the law. We look forward to working

with all the authorities and flexibilities that exist within the Bipartisan Infrastructure Law to continue to open that door for local and economic hiring. We know how much it means to communities, to neighborhoods, and to families.

Senator Duckworth. Thank you. I couldn't agree more. That was one of my top priorities during the development of the Bipartisan Infrastructure Law, was making sure we eliminated the outdated, one-size-fits-all ban on including local hiring incentives in construction project contracts.

Mr. Secretary, as we work to create new, good-paying jobs and put residents back to work rebuilding their local communities, how will new and existing U.S. DOT grant programs evaluate applications that include local and economic hiring preferences?

Mr. Buttigieg. Thanks to the Bipartisan Infrastructure Law, it is very specific that a recipient may use a local or other geographic or economic hiring preference for labor on construction projects that are funded. As a result, we are going to be moving forward in a way that is consistent with that legal framework. It does update things for some of our State and local partners.

So the ability to transition from that pilot program that we were proud to launch in May of 2021 to allowing those preferences now authorized under the law I think is a big step,

and a very positive one that is going to position us to really unlock so much of the economic potential of this bill.

Senator Duckworth. Thank you.

One of the other things that the Bipartisan Infrastructure Law does is that it recognizes a basic principle. As we work to repair and enhance our infrastructure, we must also make sure that these upgrades benefit all Americans. That is why I fought so hard to include the All Stations Accessibility Program, or ASAP Act, in the law. I was pleased that the Biden Administration recognized the importance of ASAP by including it in its top 10 programs in the Bipartisan Infrastructure Law that you may not have heard about fact sheet.

Secretary Buttigieg, can you explain how our new \$1.75 billion ASAP grant programs improves mobility for commuters with disabilities by prioritizing accessibility efforts, such as the Chicago Transit Authority's ASAP plan, and how does it accelerate project deployment which otherwise would take decades for transit and commuter rail systems to complete?

Mr. Buttigieg. Thank you. As you know, and as you showed to me when I was able to visit CTA with you last year, though 75 percent of America's rail transit stations are ADA accessible, the remaining 25 percent will remain inaccessible, even as we look back to the time that has passed since the 1990 ADA, because they have that legacy date associated with them prior to

the Act.

So thanks to the ASAP program, thanks to that \$1.75 billion, there is an opportunity update those legacy rail transit stations that were set up pre-ADA, and make them accessible with projects to repair or modify or retrofit them so that they have that accessibility. We are working hard on making that program available. We anticipated it being available later this year. As you know, it is \$350 million each year across five years.

We think it is so important for not just of course the basic equity and fairness at stake, but unlocking the economic potential of communities with so many workers with disabilities who could be better able to contribute to the economy and life of their communities, provided they could get to where they need to be.

Senator Duckworth. Thank you, Mr. Secretary. I am out of time, Mr. Chairman. Thank you.

Senator Carper. Thanks a lot for joining us, Senator Duckworth.

Many of you know that Senator Duckworth served our Country with great valor and courage. We are proud of her service. Senator Sullivan is a Marine colonel, not everybody knows that. Thank you for that service. It is wonderful to serve with you. We have the Marines here; we have the Navy here. It is a pretty

good lineup.

Senator Sullivan. Thank you, Mr. Chairman. As a Navy captain, I think we have a couple of Navy captains on this committee, yourself included, and Senator Kelly. We even have a Navy vet testifying. So I won't be too hard on him, as a Marine. I will just give him a little bit of a break.

[Laughter.]

Senator Sullivan. Thank you. Mr. Secretary, it is good to see you.

I want to follow on our conversation. Last July, we talked about the needs at the Port of Alaska, that is in Anchorage, and how important it is strategically, not just for Alaska but for the Country. I am going to remind you about some of that discussion.

But first, I want to get your commitment to come on up to Alaska and actually see and walk the ground with me this port and other aspects of our infrastructure sometime soon.

Mr. Buttigieg. Yes, I am continuing to look forward to it, that much more so now that we have been able to fund some very worthy projects with the last couple of rounds.

Senator Sullivan. Very worthy, and I appreciate the RAISE grants that you got out quickly. That was really important for my State.

So back to the Port of Alaska. It moves 90 percent of all

goods that come into Alaska, 90 percent. So we are very important that way. That includes 90 percent of the liquid fuel, including most of the jet fuel used at JBER.

So by the end of this year, Alaska is going to have over 100 fifth-generation fighters based in our State. Those are F35s, F22s, no place on the planet Earth has that kind of fifth-generation fire power. It is also most of the fuel used at Ted Stevens International Airport, which during the pandemic surged to the fourth busiest air cargo terminal in the world. Again, very strategic for the Country.

As you know, the Department of Defense designated 17 commercial strategic seaports that support the DOD mission, the Port of Alaska is just one of 17. I just actually met with the TransCom commander yesterday. We had a long discussion about this. In the Fiscal Year 2020 NDAA, I included a requirement for an assessment by DOD and TransCom on our 17 strategic ports.

The two DOD strategic ports that came in last in terms of their readiness, infrastructure capability, was the Port of Tacoma and the Port of Alaska. So Senator Cantwell and I have been working on getting a focus both on these two ports, which are actually interconnected in terms of commerce between our two States.

So we are working on a meeting, actually with you and the MARAD commander. Can I get your commitment to work with me and

Senator Cantwell's office to get that done soon?

Mr. Buttigieg. I would look forward to it. You have my commitment.

Senator Sullivan. So here is the big issue for me, and I really need your commitment on this. You might be aware of it, you might not. Two months ago, you know there has been a lot of litigation getting back almost 20 years between MARAD and the city of Anchorage, breach of contract and everything that started back in the early 2000s. The U.S. Court of Federal Claims just in December decided in favor of the municipality of Anchorage in this way-too-long litigation, in my view. They announced a ruling on the damages just last week.

Here is the commitment I need from you, Mr. Secretary. Notwithstanding this court decision, I would like your assurance that this award is not treated by the DOT as an award in lieu of any of the future grants for which the municipality is interested in applying that relate to this port.

We think that would be unfair. This legal award, and who knows, they are probably going to appeal it, and it is going to take 10 more years. But it fills a hole that was created with these breach of contracts, bad construction work, part of the problem there that had been done.

What we don't want to have happen is all of a sudden DOT say, well, the Port of Alaska doesn't need any assistance,



because it just got this award. I think that would be unfair. I just want to make sure I get your rock-solid commitment that you will not do that as you are looking at grants, which we, Port of Tacoma, others, particularly as part of the strategic DOD port network, really need, and we think are worthy of.

Mr. Buttigieg. Yes. I don't know of anything in that lawsuit or related to it that would have any effect on current eligibility for a grant there.

Senator Sullivan. Good. So nobody is going to go, well, you know, the Port of Alaska just got this big award, so we are not going to give them a grant, because they just got something. You are not going to do that?

Mr. Buttigieg. That is not how we will evaluate grants.

Senator Sullivan. Good. That is very important to me. I appreciate your straight-up answer, and I just hope your staff is watching and all the people who do the evaluations, because their boss just said they are not going to do that.

My constituents, as you can imagine, were happy about the litigation finally looking like we have prevailed. But now they are worried that someone is going to take it out and use it against us. I appreciate your definitively saying that is not going to happen. Thank you.

Mr. Buttigieg. My understanding is all the relevant issues are, as you pointed out, from many years ago.

Senator Sullivan. Yes, almost 20 years ago.

Mr. Buttigieg. So we don't view that as relevant to current eligibilities for current grant programs.

Senator Sullivan. Great. I have some more questions for the record, Mr. Chairman, but thank you.

Senator Carper. I am sure you do. But I think you got your money's worth on the first round. You are welcome to stick around for another round if you would like. Thank you.

I think on commitments per minute, that probably got the most commitments of anybody who has questioned him today. That is not bad. Thanks for joining us today, Colonel.

Senator Stabenow is joining us, Senator Stabenow who also chairs the Ag Committee, from the Great Lakes States of Michigan, home of the Detroit Tigers.

Senator Stabenow. That is right. Good morning.

Senator Carper. Hopefully we will have an announcement before too long that the baseball strike is over, and we can say, play ball. I can't wait.

Senator Stabenow. Mr. Chairman is the second greatest champion of the Detroit Tigers. I am first, he is second. I look forward to hosting you, and I have to say, actually welcome to a fellow Michigander. I am so pleased that you and Chasten and your two beautiful children have set up shop in Michigan permanently. Of course, Chasten was always there with his

family. But we are glad you are Michiganders, Mr. Secretary.

Mr. Buttigieg. I am happy to have married into Michigan.

Senator Stabenow. Absolutely. I am also so pleased you are in the position that you are in. We have talked a lot about infrastructure for a long time. We have actually been able to deliver it working together. So this is an important moment.

You won't be surprised to learn I would like to talk about electric vehicles. I am going to brag for a moment, because I think it is important when we look at the incredible investments the way our American companies are leaning in now and counting on us to be their partner if they are going to be successful.

But GM, Ford, Stellantis have laid out aggressive plans to electrify their vehicle fleets. In fact, Stellantis just yesterday announced an electric Jeep they are doing for 2023. I have driven that, it is really something, an electric Ram pickup in 2024, and plans to reduce carbon emissions by 50 percent by 2030.

GM of course is doing 30 new battery electric vehicles worldwide by 2025, plans to only do electric vehicles by 2035. And Ford, of course, the great F-150 truck, I have also had the opportunity to drive, and the Mach-E Mustang, and their plans to increase EV production next year to 600,000 units globally.

If they are going to succeed with this kind of aggressive electrification plans, the charging stations in the legislation

we passed is absolutely critical. What type of technical expertise is the Department of Transportation, Department of Energy providing to States? Because we do know that States are at various levels of planning at this point.

Mr. Buttigieg. Thank you, and that is right. The technical support is going to be very important. This is not the same thing as gas stations. In some ways, electric vehicle charging is easier than filling up with gas, because you can do it at home. In other ways it is more difficult because of the time involved depending on which type of charger you have. So we need a paradigm that really works for an EV network for the future.

This is exactly the kind of work that the new Joint Office of Energy and Transportation that we have set up with Secretary Granholm is taking on. Now that we have put out the call for States to submit their plans, we are looking forward to seeing what they come back with by the August deadline, and working very closely with them on how to make sure that no State and no community is left behind with the opportunity.

Senator Stabenow. Absolutely. I do have to say, when I am asked about high gas prices, which right now are extremely high, that I am looking forward to a very short time in the future when you can drive right by the gas station with your electric vehicle and not worry about what it says at the pump. I think

that is an important part of our future.

Let me ask another question about another really important piece of the bill that I spent a lot of time on over a number of years, and that is Buy American, and being able to really provide more integrity and transparency. Waivers in the past have been used over and over again to waive the requirements, rather than looking for the businesses that can actually provide the American made goods and services.

So there are several provisions of my Made in America bill in this law. But I want to ask you specifically about two provisions that we have asked the Department of Transportation to focus on. One is to ensure that domestic industries are ready to provide products for all modes of transportation.

Second, I think this is very important, before the Department issues a waiver to use federal funds to purchase iron or steel or manufactured products to meet Buy America standards that you are required to reach out to a manufacturing extension partnership and provide small and medium size manufacturers with the first opportunity to produce these hard-to-find items for our Nation's infrastructure projects.

In other words, I know in Michigan, and we saw this during the pandemic, when the call went out with what we needed, our companies were able to quickly retool to provide that. If they know that there is a marketplace, I really believe that small

and medium size manufacturers are going to be able to step up, which means more jobs, obviously more investment in America.

Mr. Buttigieg. Thank you, yes. We are committed to these provisions of the law, not only because it is called for in the law, but also as you know, this Administration and this President are enthusiastic about Buy America and having more manufacturing here in America. Among other things, part of the solution, the long-term solution to our supply chain issues is to be less reliant on things coming in from overseas.

So we will work to make sure that those U.S.-based companies have a heads up as part of that waiver process, so that they might be able to respond. We will work to meet all of the parameters that are laid out and hopefully exceed them.

Senator Stabenow. Terrific. I am really looking forward to working with you on this.

Mr. Buttigieg. Thank you.

Senator Stabenow. Thank you, Mr. Chairman.

Senator Carper. Thanks, Senator Stabenow. Thanks for your great leadership on the Ag Committee. There is a lot of interface, as you know, with the work we do on this committee.

Senator Stabenow has been kind enough to walk me through the Detroit Auto Show for more years than I can remember. About 10 years ago, I remember looking at one of, they called them, I forget which auto company, but they had on display a vehicle

that was in a garage, this was like a mock-up using two by fours, the vehicle was in a garage, and the garage was alongside of a house, all a mock-up.

I asked the people from that company, I said, what does this represent? They said, this is hydrogen. This is hydrogen. They said, the vehicle here is going to be powered some day by hydrogen, hopefully, what we call clean hydrogen. They have no emissions, and they use fuel cells. The same technology will heat this garage, this house, use your imagination, in the winter, and cool it in the summer. You know what? That day has come.

When we look at reducing emissions from large trucks, vans, and so forth, some of them use electric, already use electric. But a bunch of them are going to use hydrogen, as you know. That is a good thing.

Senator Stabenow. Mr. Chairman, if I might just add, I am a strong supporter of hydrogen fuel cells as well. Part of what we are doing in Michigan is working with the Army, who is right on the front lines right now driving these vehicles. You are absolutely right. Particularly in the Department of Defense, there is tremendous enthusiasm as well as larger fleets. This is a really important part of the equation.

Senator Carper. Thanks so much.

Speaking of Department of Defense, Captain Mark Kelly.

Senator?

Senator Kelly. Thank you, Mr. Chairman. I am a fan of fuel cells as well, having used them on other vehicles in other places. I do look forward to my invitation to the Detroit Auto Show at some point.

Mr. Secretary, it is good to see you again, twice in two days. Thank you for being here today.

I was really proud to have had the opportunity to work to craft the Bipartisan Infrastructure Law, both as a member of this committee but also in the group of members that negotiated the final deal. One of the aspects that I am most proud of is how this law was crafted to meet the needs of different States, different States having different needs.

In Arizona, one top priority is funding to strengthen our State's interstate highways. Arizona is different from many other States. When the Interstate Highway System was designed in the 1950s and 1960s, Arizona was a small population State and their infrastructure needs looked a lot different. Compared to other regions, our interstate highways are not designed to meet the needs of our growing State and the growing Southwest.

Right now, Interstate 10, which connects Phoenix and Tucson, the two largest metropolitan areas in the State, still to this day just has two lanes in sections, long sections. A single accident can cause traffic jams for hours. I have spent



six and a half hours on that highway, stuck in a traffic jam when the normal drive is about 90 minutes. These traffic jams happen every single day on average.

Despite being two of the fastest growing cities in the Country, another issue we have is Phoenix and Las Vegas. Phoenix and Las Vegas still are not connected via an interstate highway. That is why I worked in this committee and on the Floor to support the creation of the new National Infrastructure Project Assistance Program, which we are calling the MEGA Projects Program, to fund major transportation projects with national or regional economic mobility and safety benefits. In other words, projects like the I-10 expansion between Phoenix and Tucson, or the construction of I-11 between Phoenix and Las Vegas would be these MEGA projects.

Mr. Secretary, would you agree that Arizona and other fast-growing States have different roadway infrastructure needs than other States? How do you believe the Infrastructure Law can help States like Arizona fund the long-overdue interstate expansion projects?

Mr. Buttigieg. Thank you for the question. The example you raise is a great one of how the infrastructure needs of our States differ. I come from a community that lost about 30 percent of its population in the 1960s, 1970s, 1980s, up to the time that I was mayor. So we had built far more roads than we

had taxpayers or drivers to support them, and found that in some contexts some of our roads needed to go on a diet. Although I am pleased to say my hometown is growing again.

But some of the fastest-growing communities are in places like Arizona. The needs are an example of why, for example, in Federal Highways' internal guidance, there was an effort to point out that none of that would stand in the way of a capacity expansion where it is appropriate.

You have raised both the need for, or the vision for an entirely new stretch of highway with I-11, or a capacity expansion in I-10. There are many sources of funding in the formula funds, potentially MEGA projects and others, that could go toward this use in the Infrastructure Law.

I would also add, one thing I have admired in Arizona is the funding and support that has gone into transit, including across community lines, party lines, county lines. That can serve to take pressure off of congestion, even while capacity expansion is being considered at the same time.

Senator Kelly. Is there anything you could share about the timing for the MEGA Projects Program?

Mr. Buttigieg. I can tell you that we are working right now on getting the guidance ready, and that part of what we are working on there is to make sure that it is a flagship example of a notice of funding opportunity that is user-friendly for

applicants. So we want to get it right. But we also want to get it out the door quickly.

Senator Kelly. What do you think applicants might need to do to be successful in applying for these funds?

Mr. Buttigieg. Of course, first, the guidance will lay out the kind of basic expectations for the use of federal taxpayer dollars. Next will be the aspirations of these funds that are going to projects, as you know having helped to craft them, that can't necessarily be met by any other source, too big, too complex, too multijurisdictional or for some other reason. Might not happen but for a grant out of the MEGA Program.

So the ability to demonstrate that and to speak to the other policy priorities that are encoded in the law I think will make for the strongest applications.

Senator Kelly. Thank you. We look forward in Arizona to see the rolling out of this MEGA Projects Program, and the details for how to apply and be successful.

Thank you, Mr. Secretary.

Senator Carper. Senator Kelly, thank you so much. Thanks for your deep involvement in these issues on behalf of Arizona and our Country. Thank you.

I believe Senator Padilla has been waiting patiently on WebEx. After that, if we have no one else who joins us who hasn't already spoken, I am going to yield back to our Ranking

Member, then I will close it out.

Senator Padilla, are you with us on WebEx?

Senator Padilla. I am here, Mr. Chairman. Thank you very much. Last but certainly not least.

I think we all recognize that after decades of neglect and under-investment, the Bipartisan Infrastructure Law is delivering billions in much-needed new funding to strengthen our Nation's transportation supply chain while improving our Nation's competitiveness, lowering costs for American families, reducing emissions, and all the multiple policy objectives we had when we voted for the historic piece of legislation.

This includes accelerating investment in our ports, waterways and freight networks. So Mr. Secretary, I want to thank you for your work to increase federal flexibilities for port grants. We have talked about it over the phone, given some of the chokepoints that we have experienced in California. You have worked to fast-track some port infrastructure grant awards and announce new construction projects for coastal navigation, inland waterways and land ports of entry. So I wanted to start off by giving credit where credit is due, and lead with a thank you.

As you know, working with the Governor and part of his team, California plays a central role in the movement of goods, not just locally or regionally, but throughout the United

States. The Ports of Los Angeles and Long Beach alone account for approximately 40 percent of the container traffic that enters the Country. That is huge.

Last October, the State of California, working with your office in the U.S. Department of Transportation, entered into an emerging projects agreement to help ease access to federal financing programs for nationally significant ports and supply chain resilience, infrastructure projects. This January, just a month and a half ago, Governor Newsom's State budget proposal for the next fiscal year includes \$1.2 billion for ports and freight infrastructure projects, including, and this is intentional, to leverage federal grants provided by the Bipartisan Infrastructure Law as well as federal credit programs to the Emerging Projects Agreement.

So I know it is a long setup here, but the question is, given the State of California's proposed significant State funding contribution for the specific purpose of attracting federal investment through grants and financing, what can the Department of Transportation do to reward States, make that an incentive for States for States that are taking proactive steps and putting their own skin in the game?

Mr. Buttigieg. Thank you for the question and for the conversations we have had about just how important it is to do everything that we can to support goods movement and supply

chains in this Country. As you know, ports like those in California have such economic significance in terms of the volume that comes through them that you feel the impact of their success or their problems as far as away as my Indiana hometown.

I think for that reason it has been especially rewarding to see creative approaches taken like that Emerging Projects Agreement. We hope that there will be more where that came from as other States look at that example, effectively helping to fast-track many of these credit programs that we think would make a difference when it comes to alleviating those supply chain issues.

You also mentioned that California is a State that has acted already to put up a great deal of funding through an ambitious budget supporting transportation. I have seen similar things in Colorado, Illinois, and others. I want to emphasize that, especially if anybody gets the wrong idea and thinks, why would we put up this State money when there is federal money coming, that States that choose to step up are putting themselves in an excellent position to take advantage of the federal funding that has been made possible by Congress and the Administration.

I don't mean that in the sense of putting a thumb on the scale, but rather just as a clear fact that when you already have more investment ready to go into a local match, or to make

sure that a project can be done with whatever slice of it is being proposed for support from a discretionary program, that much more is going to be achieved in the State. So I do think States that have taken those steps, that have taken the initiative to put up funding for infrastructure, will be especially well-positioned to take advantage of this national vision for infrastructure development that the President is leading.

Senator Padilla. Great. I look forward to following up with you on not just funding opportunities, but also the financing programs, including RIF, TIFIA and others to reflect the same, incentivizing, rewarding States that are stepping up and willing to put skin in the game.

I will be brief with my next and final question, that is just acknowledging the size of the agricultural industry in California, including a lot of perishable crops and the supply chain issues that we have experienced for many, many months. I know you and Secretary Vilsack have teamed up to be responsive to those concerns, reaching out to carriers, doing everything possible to keep goods moving, not just on the import side but especially the export side, which is critical to growers in California.

Can you make any brief comments on how it is going, any new ideas how we continue to work together with stakeholders?

Mr. Buttigieg. Yes, thank you for the question. While most of the coverage on supply chains has looked at things like electronics or clothing coming in from Asia, the export side is extremely important when it comes to our agricultural goods being able to get out. This is another area where collaborations have played an important role.

I would note a partnership with the Port of Oakland, for example, to establish what we are calling a pop-up site, or container yard, effectively a temporary site that helps ease congestion and keep those goods flowing, especially since, as you mentioned, they are often perishable or part of a cold chain. So it is especially important that they flow promptly. We welcome more opportunities to think about how to add ways to make better use of the capacity we have.

I would also say that suitability for agricultural exports is one way to be competitive with grants that are looking for economic impact on the discretionary side, and the guidance will make more clear how to appropriately speak to that. But I think it is certainly something worth considering for anyone proposing a supply chain related project.

Senator Padilla. Thank you, Mr. Secretary. I would love to follow up on that.

Thank you, Mr. Chairman.

Senator Carper. Senator Padilla, we are glad that you



could join us remotely. I look forward to seeing you later today on the Floor.

Senator Capito is now going to ask a couple of closing questions, and offer whatever closing statements and thoughts she would like to present. Go ahead, please.

Senator Capito. Thank you, Mr. Chairman. Thank you, Mr. Secretary. I also want to thank you personally for the personal outreach that you have extended to me and to my staff numerous times, and shared your cell phone and all that. Your accessibility is really remarkable, and I really appreciate that. As we move through the implementation that will be very important.

I do want to add to the record a unanimous consent. These are documents that show the questions, letters from different States and other stakeholders and from lawmakers questioning the guidance document.

Senator Carper. Without objection.

[The referenced information follows:]

Senator Capito. Thank you.

I am going to go back to that one more time. I want to ask you a question. Have you had any conversations with Mr. Landrieu, who is charged by the President to implement the Bipartisan Infrastructure bill on this topic that we have talked about, the guidance issue?

Mr. Buttigieg. I remember him mentioning that he got some calls about it around the time that it came up. But we haven't talked through the substance of the memo in detail.

Senator Capito. I would suggest that you have another conversation. I was in a meeting last week with him, with numerous lawmakers, to where this issue was discussed briskly, I will say. And so I would suggest that that he is hearing from a lot of people that I am sure you are hearing from, but he might be hearing it from a little bit different angle.

So on that last topic, I would say in response to the question that Senator Kelly asked, and this was around the MEGA projects, but I would imagine that this is all guidance, your quote was, "Guidance lays out basic expectations." I think that is where the issue is with this December 16th guidance letter.

The other thing I would like to say is in terms of what Senator Whitehouse said, and some of the comments that you have said, this is a bipartisan bill that we passed. There is a climate title in there. There is an emphasis on finding

resiliency, greenhouse gas mitigation, carbon emissions, healthy streets. This is an area that we are deeply committed to. These are grant programs. These are not the formula dollars that go out.

So I want to make the distinction, and would you agree, these are two separate programs that are pots of money, so to speak. The discussion that I am having with you on this guidance doesn't really apply to the climate title parts of the bill. Would you say that is correct?

Mr. Buttigieg. Yes, I think most of what we have been discussing in that context was outside federal-aid highway programs. Yes.

Senator Capito. Right. Yes, thank you.

Question on, you put out a combined notice of funding for three different programs, the MEGA, the INFRA, and the Rural Surface Transportation grant program, which obviously is one that I am most interested in, or not most interested in, but very interested in. My understanding is that this is sort of an unusual approach.

I am not sure how to really calculate, I guess I would like to know why you are doing this, and the education outreach that you have done to the States. Because this is a different way of looking at this.

Mr. Buttigieg. Yes, thanks for asking that. What we are

trying to do is make our grant process more simplified and user friendly, less duplicative. Especially knowing that the easier we can make our processes to navigate, the more we are going to see rural communities, communities with fewer resources, able to take advantage of it. Our staff likens it to a common application for college, so you don't have to put in your zip code nine different times.

Of course, there is information that sometimes is very customized to these specialized programs. But if we can gather it up all at once and only ask you to fill out one form instead of three, we think it is one example of reducing the administrative burden associated with what can already be a daunting set of requirements to try to apply for these programs.

Senator Capito. Good. Because that is sort of the way I saw it. I thought, well, it is trying to be a simplification, I guess the devil is in the details, to see how that actually rolls out. I don't think bureaucracy in any place is known for simplification or anything.

So I hope that that is the end result. Because if you are looking at opening up these applications to different, not just State DOTs but municipalities and where they don't have -- our State DOT basically helps all our municipalities write all of their grant applications that they can have right now anyway in this area. So thank you for that.

On the EV, just a quick question. I might be off base, or not understanding it. So the money goes, you have already put the guidance out, and I think you said \$6 billion.

Mr. Buttigieg. Five.

Senator Capito. Five. And the State is going to build, or maybe get contractors to build the EV stations in public areas, I guess. The question that came to me was, once that is completed, the ownership and maintenance and liabilities of those facilities then goes to?

Mr. Buttigieg. So, we don't generally view these as government owned and operated, certainly not Federal Government owned and operated charging stations. But part of what I hope will come of the flexibility for the States to come in with their plans is different approaches. Notably, the law provides for maintenance to be one spend, one eligible use of the funding, and capital to be another.

We may, we certainly won't have all of the answers here in Washington on which is the more efficient way to set up a public-private partnership. In other words, which piece of it being subsidized will prove to be the most efficient.

So I think it is a great example of a laboratory of ideas where different States working with different private partners will come up with different models to effectively buy down the difference of the cost in getting those EV chargers up and

running so that they can make for that national network.

Senator Capito. So then you would anticipate that that issue of maintenance and liability and other issues would be worked out on the front end rather than, now we have this, who is going to take care of it.

Mr. Buttigieg. Yes, I think that is right. Those are the kinds of things we are working through with the development office right now, and we would be happy to keep you apprised.

Senator Capito. Yes, that is a question that came to me.

And then this is kind of a question out of left field, but I am going to ask it anyway. The President gave his State of the Union Address last night. He started with Ukraine, obviously. Thank you for your service. You know what is in the hearts and minds of our military as they are sort of on tenuous ground right now in terms of families being deployed to the NATO nations.

Have you had any conversations or have any conversations occurred with you and your department as to what role you might play in terms of ratcheting down any involvement we have with Russian-made goods, Russian commerce, Russian contractors? Is this something that is into your realm or not?

Mr. Buttigieg. To some extent, yes. This is the theme of a conversation I had late yesterday afternoon with my counterpart, the Ukrainian Minister of Infrastructure, as well

as their ambassador in Washington. One of the things we discussed was something that they requested that the President then announced last night, which is the closure of the U.S. airspace to Russian aircraft.

Senator Capito. Right.

Mr. Buttigieg. There may be other steps that are appropriate that are within our authorities. Obviously, this situation is fast unfolding. So we are moving quickly to assess them.

But I do think there are a number of things with regard to infrastructure and certainly with regard to travel that we need to look at as a way to make good on our commitment to support the Ukrainian people. I am also in frequent contact with many of my counterparts among our allies and partners to look at what they are doing, what we might be doing, and how best to coordinate.

Senator Capito. I would like to follow up on that as time goes on. I think we certainly don't want to get into a situation where we find out, as we I think have been enlightened to, that we have been importing 600,000 barrels of oil from Russia, that our transportation system is wholly reliant, obviously not wholly reliant, partly reliant or certain parts or certain minerals or whatever is relying on the Russian economy. Because what we see going on, I think we all agree here, is

egregious in terms of Russia's aggression. We want to shut that down as quickly as we can.

So thank you so much for that.

Mr. Buttigieg. Thank you.

Senator Carper. Senator Capito, thanks for those closing thoughts and for helping us put this together. I think it has been a terrific hearing. Very informative. Thank you to your staff, our staffs on the majority side as well.

Mr. Secretary, one of the things I like to do when we have an important issue like today, if we have a panel where we have different points of view, I will ask Senator Capito sometimes to kick it back to the panel and just ask them, if three or four or five people are on a panel, I will ask them, where is the consensus, where is the agreement. I could kick this back to you pretty easily, because you are the panel.

You have tried in conversation for the last couple of hours to help us with consensus and communication. Would you like to take just a couple of minutes to sum up and come back, maybe reiterate something, touch on something you haven't, maybe answer a question that hasn't been asked.

Mr. Buttigieg. I will say, I think I missed an opportunity with regard to Senator Capito's question about One Federal Decision to note that there has already been a one-time hack in the law, which was the 60-day requirement to share information



on the categorical exclusions. We have met that. So I did not mean to be abstract in talking about our desire to meet some of those other goals. But we have met our requirements so far, and are committed to continuing to do that. I appreciate the chance to revise and extend there.

I will be very concise, noting I am a panel of one, and just express again kind of as I began my appreciation and gratitude for the work of this committee. I really believe that the improvements we are going to make, the things we are going to fix, and the things we are going to build across the different areas in the transportation infrastructure, they are going to help goods get to where they need to go, affordably and swiftly. They are going to help people get to where they need to be, they are going to create so many jobs in this Country. I think we are all going to be proud of them.

At a time when all of us worked through this last year, when there were many commentators scoffing at the idea you could have a bipartisan anything law, the fact that legislation of this scope and scale and ambition was passed by this Congress, largely built in this committee, and signed by this President, is an extraordinary thing.

Our department takes very seriously our responsibility and our opportunity to make the most of this and to get it right. I doubt we will get an opportunity this compelling again. So

thank you.

Senator Carper. Thank you.

I think I speak not just for Senator Capito but for all our colleagues on this committee, it has really been a privilege for us at this point in time in our Nation's history to have a chance coming out of the worst pandemic in 100 years, one of the worst recessions since the Great Depression, to have the opportunity to work on this set of issues that really will help get this economy moving, make us more productive, and enable us to help a whole lot of families who need some hope and need some help.

I love to go to schools; I know you have been to a ton of schools. We all have, and they have assemblies and so forth. They ask us what we do. It is not uncommon for one of them, especially in elementary schools with an assembly of kids, they will say, what do you do? I will say, I am a United States Senator. They say, well, what do you do? I say, we help make the rules for the Country. What else do you do? And one of the things is, we really try to help people.

As a native West Virginian, someone who has lived most of his life in Delaware, one of the best ways you can help somebody is to make sure they have job. The eight years I was privileged to be governor of Delaware, we used to have presidents of Delaware, but I was privileged to be the governor of Delaware,

more jobs were created in those eight years than any eight-year period in the history of the State of Delaware. I didn't create one of them. I helped create a nurturing environment for job creation and job preservation.

There are a lot of ways to do that. We talked about some of them. But a really important one here today is transportation, the ability for people to get where they need to go, goods to get where they need to go in a timely way, and enable us to foster even more job creation.

Let me just take a look at my notes here. I have just a couple of questions and a couple of points I need to make sure this is on the record. I would just say, we have a lot of witnesses who come before us, including a lot of folks from this Administration and earlier Administrations. I have always described, people will say, what is he like? I will say, he is smart. He is smart.

And I will say the other thing, he is practical, and plain spoken, but he has a great grasp on the issues and is able to really walk and chew gum at the same time, and do it better than most anybody I have had before our committee from any Administration.

So we thank you for all of that. I just want to say thank you for your willingness to be responsive and to really say to your team, those on your team, your expectations. You set a

good example in that regard.

We need a couple of nominations, as you know, from the Administration. One of them is the head of Highway Administration. It is hugely important, as you know. There are a couple of others as well. And we need that.

Senator Capito. And Air.

Senator Carper. Yes, and Air, the Office of Air.

Mr. Buttigieg. Yes.

Senator Carper. We need to pass an Omnibus and fund this government until the end of the fiscal year, until the end of September. Senator Capito is the senior member of the Appropriations Committee. She is working hard on that, along with her other colleagues.

It would be a shame if we spent all these years only to have to wait year after year having Infrastructure Week and then another Infrastructure Week next year, and another. As I said earlier, this is Infrastructure Decade. We want to make sure that we get a lot of stuff done. Part of that is on us; part of that is on you and communicating, collaborating will I think set a good example for this Country in fulfilling the needs that we have been expressed, and the hopes that have been expressed.

With that said, a little bit of housekeeping before we adjourn. Senators will be allowed to submit written questions for the record through the close of business on Wednesday, March

16th. We will compile those questions, Mr. Secretary, and we will send them to you and your team. We ask that you reply to them by Wednesday, April 6th.

A lot of us spent a couple of hours together last night as the President of our Country did what Presidents have done for many years, that is deliver the State of the Union message. He spent the first almost hour talking about what is going on in the Country of Ukraine. He laid out what we are trying to do in the coalition that he has helped to assemble.

We have a couple of Ukrainian churches in my State. I had the opportunity to worship there on Sunday at both of them, in a show of solidarity. I think I speak for every member of this panel, everybody in the Senate, we cannot allow to stand what Putin is doing in Russia.

I don't say this lightly, but if he is allowed to get away with this with respect to Ukraine, I spent some time flying missions in and out of the South China Sea, including Taiwan. If he gets away with this with respect to Ukraine, somebody else is going to come along and do something similar to this in Taiwan. This is doubly important.

I would just close with that. I would say to the people of Ukraine, we admire you, respect you, value the leadership of your president and are very much with you today and every day. More than just prayers, a lot of hope and help.

With that, we are adjourned. Thanks so much.

[Whereupon, at 12:21 p.m., the hearing was adjourned.]