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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

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February 10, 2022

The Honorable Gene Dodaro
Comptroller General
U.S. Government Accountability Office
441 G Street NW
Washington, DC 20548

Dear Comptroller Dodaro:

On December 16, 2021, the Deputy Administrator of the Federal Highway Administration of the U.S. Department of Transportation issued a policy memorandum titled "Information: Policy on Using Bipartisan Infrastructure Law Resources to Build a Better America" (hereinafter "Policy").¹ I write to ask for your determination as to whether the Policy constitutes a "rule" for purposes of the Congressional Review Act, 5 U.S.C. §§ 801-808.

I respectfully request your determination as expeditiously as possible.

Sincerely,



Shelley Moore Capito
United States Senator

¹ The Policy is available at: https://www.fhwa.dot.gov/bipartisan-infrastructure-law/building_a_better_america-policy_framework.cfm