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Committee on Environment  
and Public Works

Washington, D.C.

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## SURFACE TRANSPORTATION MARKUP AND COMMITTEE BUSINESS MEETING

Wednesday, May 26, 2021

United States Senate

Committee on Environment and Public Works

Washington, D.C.

The committee, met, pursuant to notice, at 9:46 a.m. in room 301, Russell Senate Office Building, the Honorable Thomas R. Carper [chairman of the committee] presiding.

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

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

Senator Carper. I understand we have a quorum this morning. Senator Capito, if you are ready to rock and roll, I think I am, as well. I am happy to call this business meeting to order as we prepare to consider three nominations, 10 General Service Administration measures, and our bipartisan surface transportation reauthorization bill.

I want to begin by observing that the three nominees whose names are before us, Shannon Estenoz, Radhika Fox, and Michal Freedhoff are all extremely well-qualified for the positions to which they have been nominated. When our committee met a few weeks ago to hear from the nominees, it was, for me, wonderful. It was heartwarming to just be joined by a panel of such bright, dedicated, well-spoken public servants and by numbers of their families.

It was, for some of us, special to hear from Michal Freedhoff, Dr. Michal Freedhoff, who served as an invaluable member of our EPW team and as a key advisor to Senator Markey and to me for some time. I am grateful that Michal and her fellow nominees, Radhika and Shannon, are willing to serve in these new roles. I know that our Nation will be the better for it. I strongly urge all of our colleagues to join me today in advancing their nominations to the full Senate.

I am also pleased that we are considering a set of 10 General Service Administration measures, which we will be considering en bloc. These are commonsense resolutions that I hope all of us will support.

Now, I would like to spend the remainder of my time this morning briefly addressing our surface transportation reauthorization bill that we are considering here today.

The Surface Transportation Reauthorization Act of 2021 is the result of months of hard work and genuine team effort on which I was pleased to join with Senator Capito, Senator Cardin, Senator Cramer, our respective staffs, and many members of this committee. The bill before us today is a testament to our team's relentless drive and tireless commitment to crafting a bipartisan agreement that will enable us to create a transportation system that the 21st century will require if the U.S. is to remain a leader among nations.

This reauthorization bill before us today calls for historic levels of highway funding, \$303.5 billion worth over the next five years. That is about 34, 35 percent above the last five-year reauthorization for surface transportation.

This bill also commits \$18 billion towards reducing our carbon emissions, as well as \$500 million to mitigate climate impacts on the most vulnerable among us, typically communities of color, tribal communities, and other disadvantaged

communities. The bill would also provide \$500 million to upgrade our existing transportation infrastructure to withstand inevitable effects of our changing climate.

As most of us know, the transportation sector is the largest source of carbon emissions in our Nation. So if we want to preserve our planet for our children and grandchildren, and I know we do, it is imperative that we tackle this major contributor to the climate crisis. This bill before us today helps put us on the right track with an \$18 billion climate title, of which \$2.5 billion is dedicated to building electric vehicle charging and hydrogen fueling stations in highways and in locations like schools, workplaces, parks, and publicly accessible areas for communities.

Our bill also tackles another serious challenge, that of safety. Bicycling and walking are affordable and healthy modes of transportation, but far too many Americans live in neighborhoods where there are no safe bike lanes or crosswalks. In 2019 alone, over 7,000 pedestrians and bicyclists lost their lives in traffic accidents, just in one year.

So, I am delighted that our bill provides a 70 percent increase in funding for programs that develop safe, accessible pedestrian and bicycle pathways across our Nation while also committing to providing \$16.8 billion in funding for highway safety improvements.

The third challenge our bill seeks to address is historic inequity in transportation investments. We know that past investments in transportation programs have left far too many Americans, especially those in communities of color, behind. To that end, our bill focuses on investments to lift up all communities.

That is why we have included provisions from the Reconnecting Communities Act, legislation I coauthored with Senators Van Hollen and Cardin to address past transportation infrastructure projects that have divided and harmed too many neighborhoods across our Nation. In my hometown of Wilmington, Delaware, construction of I-95 in the 1960s and 1970s through the city literally tore many communities apart, cutting off access to neighborhoods, parks, and economic opportunity. We can begin to help heal those wounds with the projects we enable in this legislation.

I am proud that our bill focuses on these critical issues of climate, safety, and equity and does so in a bipartisan way that will put our transportation programs on the right track for the next five years.

The work doesn't stop here. It is imperative that our sister Senate Committees, Banking, Commerce, and Finance act quickly on their portions of surface transportation reauthorization so we can get this bill across the finish line

before the current law expires on September 30<sup>th</sup>.

I will continue to work with our colleagues on those committees to encourage to act without delay, especially since we have taken action here in record time with our highway bill.

The fast timeline that led to this markup today is not by chance; it is a reflection of our commitment to getting the work done, a commitment shared by President Biden. Back in February, the President invited Senator Capito, Senator Inhofe, Senator Cardin, and me to the White House to discuss surface transportation reauthorization. I think that may have been his first meeting with members of the United States Senate following his inauguration. He asked us if we could get this bill done by Memorial Day. Originally thought we maybe could get it done by July 4<sup>th</sup>, but we are working hard to try to reach the goal of Memorial Day. Today, we are poised to deliver on that request.

Let me be clear, though: there is still a lot of work to be done on infrastructure in this Congress. We know that. The President's jobs plan identifies a number of transformational investments to strengthen our economy. They include much more than we could ever cover within our committee's jurisdiction and within this bill, from clean energy tax credits to intercity passenger rail to transit, and much more.

The first step in realizing that vision is ensuring that our transportation programs are running smoothly and working

efficiently, and that is why our surface transportation bill is so critical. With this legislation, we can begin to modernize our highway programs and do so with policies to address safety, equity, and climate at the same time and create on heck of a lot of jobs. It is a vital foundation for the President's American Jobs Plan and a remarkable bipartisan achievement.

With that, I want to turn to my friend, my West Virginia buddy, and our colleague, our Ranking Member with whom I have been privileged to work on this legislation. I just want to say to everybody who has been a part of this, thank you. Terrific job. We have had this kind of leadership demonstrated when Senator Inhofe was in charge of this committee, and by working with Barbara Boxer and others, we have had it with John Barrasso, and I think we have done it again, and hopefully we will still be saying that an hour from now, but I think we are off to a good start. Today, I want to thank everyone who has responsible for that.

Senator Capito?

[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, Chairman Carper, and thank everybody who is here today, for calling this business meeting and for your ongoing commitment to a bipartisan process for this bill that we are considering today, the Surface Transportation Reauthorization Act of 2021.

I have always been optimistic that we would get here, but I am absolutely thrilled that we reached a bipartisan agreement that will address our Nation's surface transportation needs.

I also want to provide special thanks to Senator Cardin and Senator Cramer, who lead the subcommittee on Transportation and Infrastructure. Their support and partnership during this process was absolutely instrumental in helping us to reach an agreement, so thank you both.

I also want to thank your staff, Mr. Chairman. I know they have spent a lot of long nights, for their commitment to this process and for the long hours and hard work that they have dedicated to this bill.

Today proves, once again, that we can come together to develop a bill that reflects input from both parties and the stakeholder communities. This has been one of my top priorities as ranking member of this committee.

Since the start of this process, I have been focused on

policies that, one, enable long-term investment in our Nation's roads and bridges in a fiscally responsible manner; two, provide certainty and flexibility for our States and other partners; three, keep the federal interest focused on providing a connected network of roads and bridges to ensure that all communities and economies can thrive.

Additionally, I have been looking to facilitate the efficient delivery of projects in order to improve the safety and resiliency of our surface transportation system and to drive innovation to help pave the way for the surface transportation system of the future.

I am proud to say that this bill meets many and accomplishes many of these goals.

I would like to take a few minutes to share some of the highlights of our bipartisan legislation.

It is a five-year bill that presents significant funding levels, \$303.5 billion out of the Highway Trust Fund. It will ensure long-term investment in our Nation's roads and bridges while providing States and communities the flexibility that they need to address their unique transportation needs.

The bill will distribute 90 percent of total funding to States through formula, giving the States the flexibility and the certainty necessary to get those projects in the years ahead. This funding distribution will benefit all parts of the

Country, including both urban and rural areas.

I am particularly excited about the \$2 billion Rural Surface Transportation Grant Program that will provide competitive grants for projects that increase connectivity and generate economic growth in rural America.

Among the projects eligible for a grant under this program are projects that will further the completion of the Appalachian Development Highway System. Completing this ADHS is absolutely essential to me and to my home State of West Virginia. Finishing this will better connect West Virginia and will open up significant economic opportunities. Passage of this bill is a big step in that direction.

This bill will provide significant funding for bridges through a new grant program, which also is important to my State and everybody's State here, and certainly in Delaware, as well.

The bill also provides provisions that will improve the project delivery process for our States and other partners.

Notably, we codified the One Federal Decision, which will provide more accountability to the environmental review and permitting process by including page limits and joint agency schedules for projects within the goal of completing environmental reviews in two years.

This bill also requires reporting timelines on NEPA, which is the National Environmental Permitting Authority. This

reduces our paperwork burdens and provides opportunities for the adoption of categorical exclusions between agencies through rulemaking.

Safety, as the Chairman says, is a top priority that we all share. To address a variety of safety needs, we increased funding of the Highway Safety Improvement Program and provided States funding that carry out resiliency improvements to their roads and bridges and improve evacuation routes.

There is a lot in this bill for both sides and for all communities, no matter the size or region in the Country. It represents the true give-and-take, I think, of bipartisan compromise.

Most importantly, it will drive economic growth and in the future create jobs while also improving the quality of life of those in our Country.

We share a common goal: getting a bipartisan reauthorization bill across the finish line before the expiration of the FAST Act. Today is an important step in that process.

Finally, today the committee will be voting on other important committee matters, including 10 GSA resolutions. I am pleased to support the nominations of Shannon Estenoz to be Assistant Secretary for Fish and Wildlife and Parks to the Department of Interior, Michal Freedhoff to be Assistant

Administrator for Chemical Safety and Pollution Prevention at EPA.

While I have enjoyed getting to know Radhika Fox and am impressed by her qualifications, she would not commit to maintaining the Navigable Waters Protection Rule issued in 2020, but she also would not state that the 2015 Waters of the U.S. Rule was overreaching, very vague in her answers. So, for that policy reason, I cannot support her nomination today.

Thank you, Mr. Chairman, and I yield back my time.

[The prepared statement of Senator Capito follows:]

Senator Carper. Well, two out of three ain't bad. Thank you.

Speaking of nominations, let's go through three of them right now. Next, I want to call up Presidential Nomination 444, Radhika Fox, of California, to be Assistant Administrator for Water of the Environmental Protection Agency. I move to approve and report the nomination favorably to the Senate. Is there a second?

Senator Cardin. Second.

Senator Carper. Moved and seconded. The Clerk will call the roll.

The Clerk. Mr. Boozman?

Senator Boozman. No.

The Clerk. Mrs. Capito?

Senator Carper. I am sorry. This is Radhika Fox. I will give you a third chance if you want. Proceed with the roll call.

Senator Capito. No.

The Clerk. Mr. Cardin?

Senator Cardin. Aye.

The Clerk. Mr. Cramer?

Senator Cramer. Aye.

The Clerk. Ms. Duckworth?

Senator Duckworth. Aye.

The Clerk. Ms. Ernst?

Senator Ernst. No.

The Clerk. Mr. Graham?

Senator Graham. Aye.

The Clerk. Mr. Inhofe?

Senator Inhofe. No.

The Clerk. Mr. Kelly?

Senator Kelly. Aye.

The Clerk. Ms. Lummis?

Senator Lummis. Aye.

The Clerk. Mr. Markey?

Senator Markey. Aye.

The Clerk. Mr. Merkley?

Senator Merkley. Aye.

The Clerk. Mr. Padilla?

Senator Padilla. Aye.

The Clerk. Mr. Sanders?

Senator Sanders. Aye.

The Clerk. Mr. Shelby?

Senator Capito. No by proxy.

The Clerk. Ms. Stabenow?

Senator Stabenow. Aye.

The Clerk. Mr. Sullivan?

Senator Sullivan. No.

The Clerk. Mr. Whitehouse?

Senator Whitehouse. Aye.

The Clerk. Mr. Wicker?

Senator Wicker. Aye.

The Clerk. Mr. Chairman?

Senator Carper. Aye.

The Clerk. Mr. Chairman, the yeas are 14, the nays are 6.

Senator Carper. With that, the nomination has been approved, and we report the nomination favorably to the Senate. Next, I want to call up Presidential Nomination 407, Dr. Michal Ilana Freedhoff. I have known Michal for a number of years. I didn't know she had a middle name, and it is Ilana. Michal has worked closely with a lot of us and our staffs. Michal has been nominated to be Assistant Administrator for Chemical Safety and Pollution Prevention of the Environmental Protection Agency.

I move to approve and report the nomination favorably to the Senate. Is there a second?

Senator Capito. Second.

Senator Carper. The clerk will call the roll.

The Clerk. Mr. Boozman?

Senator Boozman. Yes.

The Clerk. Mrs. Capito?

Senator Capito. Yes.



The Clerk. Mr. Cardin?

Senator Cardin. Aye.

The Clerk. Mr. Cramer?

Senator Cramer. Aye.

The Clerk. Ms. Duckworth?

Senator Duckworth. Aye.

The Clerk. Ms. Ernst?

Senator Ernst. Aye.

The Clerk. Mr. Graham?

Senator Graham. Aye.

The Clerk. Mr. Inhofe?

Senator Inhofe. Aye.

The Clerk. Mr. Kelly?

Senator Kelly. Aye.

The Clerk. Ms. Lummis?

Senator Lummis. Aye.

The Clerk. Mr. Markey?

Senator Markey. Aye.

The Clerk. Mr. Merkley?

Senator Merkley. Aye.

The Clerk. Mr. Padilla?

Senator Padilla. Aye.

The Clerk. Mr. Sanders?

Senator Sanders. Aye.

The Clerk. Mr. Shelby?

Senator Capito. Aye by proxy.

The Clerk. Ms. Stabenow?

Senator Stabenow. Aye.

The Clerk. Mr. Sullivan?

Senator Sullivan. No.

The Clerk. Mr. Whitehouse?

Senator Whitehouse. Aye.

The Clerk. Mr. Wicker?

Senator Wicker. Aye.

The Clerk. Mr. Chairman?

Senator Carper. Aye.

The Clerk. Mr. Chairman, the yeas are 19, the nays are 1.

Senator Carper. The nomination is approved. Thank you all.

The final nomination we consider today is Presidential Nomination 374, Shannon Estenoz, of Florida, to be Assistant Secretary of Fish and Wildlife and Parks of the Department of the Interior. I move to approve and report the nomination favorably to the Senate. Is there a second?

Senator Sanders. Second.

Senator Carper. Moved and seconded. The clerk will call the roll.

The Clerk. Mr. Boozman?

Senator Boozman. Yes.

The Clerk. Mrs. Capito?

Senator Capito. Aye.

The Clerk. Mr. Cardin?

Senator Cardin. Aye.

The Clerk. Mr. Cramer?

Senator Cramer. Aye.

The Clerk. Ms. Duckworth?

Senator Duckworth. Aye.

The Clerk. Ms. Ernst?

Senator Ernst. Yes.

The Clerk. Mr. Graham?

Senator Graham. Aye.

The Clerk. Mr. Inhofe?

Senator Inhofe. Aye.

The Clerk. Mr. Kelly?

Senator Kelly. Aye.

The Clerk. Ms. Lummis?

Senator Lummis. Aye.

The Clerk. Mr. Markey?

Senator Markey. Aye.

The Clerk. Mr. Merkley?

Senator Merkley. Aye.

The Clerk. Mr. Padilla?

Senator Padilla. Aye.

The Clerk. Mr. Sanders?

Senator Sanders. Aye.

The Clerk. Mr. Shelby?

Senator Capito. Aye by proxy.

The Clerk. Ms. Stabenow?

Senator Stabenow. Aye.

The Clerk. Mr. Sullivan?

Senator Sullivan. No.

The Clerk. Mr. Whitehouse?

Senator Whitehouse. Aye.

The Clerk. Mr. Wicker?

Senator Wicker. Aye.

The Clerk. Mr. Chairman?

Senator Carper. Aye.

The Clerk. Mr. Chairman, the yeas are 19, the nays are 1.

Senator Carper. With that, the nomination is confirmed.

Colleagues, thank you all. There were three terrific nominees, and I am delighted that they are going to have the opportunity to serve us and to work with us going forward.

I would like now to turn to the Surface Transportation Reauthorization Act of 2021. On Saturday, I circulated legislation that had been developed with Senator Capito and her staff. Since that time, we have worked to refine the

legislation. Those refinements are embodied in the Carper-Capito-Cardin-Cramer Substitute Amendment that was circulated to all offices yesterday. This amendment represents non-controversial changes from the legislation circulated on Saturday. By unanimous consent, the substitute amendment is considered the base text for purpose of today's markup. Hearing no objections, so ordered.

Senator Whitehouse. Mr. Chairman?

Senator Carper. Yes?

Senator Whitehouse. Reserving the right to object.

Senator Carper. Yes, go ahead.

Senator Whitehouse. May I note that I would like it recorded that were there a vote in this matter, I would be a no vote on the provision embedded in this amendment that creates first and second-class States for purposes of the INFRA Program. But I will not object.

Senator Carper. All right, I thank the colleague. I understand Senator Markey has an amendment he would like to present, right, Senator Markey?

Senator Markey. Yes. I have an amendment, Mr. Chairman. It is Markey Number Five.

Senator Carper. Please offer your amendment.

Senator Markey. Thank you, Mr. Chairman. This amendment is a bipartisan proposal I am making for myself and Senator

Sullivan, which would insert a modified version of our legislation, the Connecting America's Active Transportation System Act, as a new program in the Surface Transportation Reauthorization Act.

Our amendment will dedicate \$200 million in federal funds annually for grants to connect walking and biking infrastructure into active transportation networks that allow people to reach destinations within a community, as well as travel between communities without needing a car. Obviously, it also has a big impact on recreational sport biking and skiing and bike trails and other trails that would also be constructed. So it is something that is applicable to every State in our Country.

Adding this bipartisan legislation to our overall package is both commonsense and essential. So I urge support for this amendment because no matter your age, your ability, people will be able to reach their destinations through affordable and healthy travel options, so I thank you, Mr. Chairman.

Senator Carper. Yes. Senator Sullivan, would you like to comment, please?

Senator Sullivan. Chairman, yes, thank you. I want to thank my friend, Senator Markey, for his leadership on this amendment. For all of us who love the great outdoors, this is a great opportunity to have more trails for pedestrians and bikes. This is something that is very much looked upon favorably in my

State, and I think in most States here, particularly as people are trying to get outside after the pandemic.

We worked with everybody. There were some concerns on my side of the aisle that there was too much dedicated to this, so we scaled back the amendment quite a lot, actually. So I would encourage strong bipartisan vote on this Markey-Sullivan Amendment.

Senator Carper. Anyone else care to comment on this?

Senator Capito. Thank you, Mr. Chairman, and I thank you.

But for the bipartisan amendment, I unfortunately for you all will be opposing this amendment for several reasons. It is not because I am anti-bike or pedestrian trails. If you look at the guts of this bill that we worked on, we took very careful considerations to include new programs and modifications to existing programs that I think will advance the goals of this amendment.

Significantly, the bill increases the amount of funding for transportation alternatives. It was, I believe, at \$4.2 billion in the previous iteration. Also, it provides \$7.2 billion, the bill that we are voting on right now, for eligible projects, including bicycle and pedestrian projects and recreational trail projects. It also provides another \$6.4 billion for the new carbon reduction program, which also has eligibilities for bicycle and pedestrian projects.

There are also new requirements in here for our States and our metropolitan planning organization to fund activities for complete streets, which are defined as providing the "safe and adequate accommodation of pedestrians and bicycles, among other users." There were three examples there of where we have addressed, I think, what the gentlemen's amendment is trying to achieve.

So I see the amendment as duplicative and unnecessary. It is another billion dollars. I appreciate the fact that the amount is less than the original amendment, but I do believe that we have dedicated not just policy, but a lot of funding to achieve the goals of this amendment, so I would strongly urge a no vote.

Senator Carper. Senator Duckworth?

Senator Duckworth. Thank you, Mr. Chairman. I just wanted to speak in support of the amendment.

One of the things that we haven't discussed here is the fact that these types of initiatives actually help people with disabilities significantly by creating an interconnected rail-pedestrian transportation infrastructure network. What you are actually doing is creating a new infrastructure for people who use wheelchairs and would like to be able to move around more easily.

If we just depend on existing transportation



infrastructure, it is never quite enough. You are waiting for current transit to come, they only come once or twice. You can't get to a bus stop always.

So having something like this will actually allow persons with disabilities greater freedom, greater access, which is going to be ever more relevant as our baby boomers age and become the population of people who are going to be using wheelchairs and assistive movement devices is only going to be growing. We are going to see a huge increase in the demographics of this Country.

So I really do support this amendment because it will have that effect of helping persons with disabilities.

Senator Markey. Does the Senator yield?

Senator Duckworth. I do.

Senator Markey. I thank the Senator. Her point is correct. This isn't creating just isolated bike paths. This is actually connecting everything together, so that there is kind of an interoperability of our transportation system, especially for those that need it the most.

So you are right on point in terms of what the goal of this is. It is a new program with something that is much needed.

Senator Carper. Would other Senators like to be recognized on this amendment? Hearing none, the clerk will please call the roll.

The Clerk. Mr. Boozman?

Senator Boozman. No.

The Clerk. Mrs. Capito?

Senator Capito. No.

The Clerk. Mr. Cardin?

Senator Cardin. Aye.

The Clerk. Mr. Cramer?

Senator Cramer. No.

The Clerk. Ms. Duckworth?

Senator Duckworth. Aye.

The Clerk. Ms. Ernst?

Senator Ernst. No.

The Clerk. Mr. Graham?

Senator Graham. No.

The Clerk. Mr. Inhofe?

Senator Inhofe. No.

The Clerk. Mr. Kelly?

Senator Kelly. Aye.

The Clerk. Ms. Lummis?

Senator Lummis. No.

The Clerk. Mr. Markey?

Senator Markey. Aye.

The Clerk. Mr. Merkley?

Senator Merkley. Aye.

The Clerk. Mr. Padilla?

Senator Padilla. Aye.

The Clerk. Mr. Sanders?

Senator Sanders. Aye.

The Clerk. Mr. Shelby?

Senator Capito. No by proxy.

The Clerk. Ms. Stabenow?

Senator Stabenow. Aye.

The Clerk. Mr. Sullivan?

Senator Sullivan. Aye.

The Clerk. Mr. Whitehouse?

Senator Whitehouse. Aye.

The Clerk. Mr. Wicker?

Senator Wicker. No.

The Clerk. Mr. Chairman?

Senator Carper. Aye.

The Clerk. Mr. Chairman, the yeas are 11, the nays are 9.

Senator Carper. The amendment is agreed to.

To Senator Capito's point, we have nothing to be ashamed of in this bill, even without the Markey Amendment, with the monies that we are investing in this very area, and I just want to make that clear. For some, this was a bridge too far, but the amendment has passed, so now we are going to move on.

More than 90 amendments were filed on this legislation,

over 90. Over the last 24 hours, the committee staff have determined which of these amendments are non-controversial and acceptable to both sides. Most of them are.

This morning, the committee had circulated a list of these amendment. Senator Capito and I have agreed that these amendments can be considered en bloc by unanimous consent.

With that, I would ask unanimous consent to adopt en bloc the amendments identified on the list provided to your offices this morning, and I would make a note that, I think Senator Whitehouse, Sheldon, do you want to reserve the right to object in order to make a brief statement, or did you already have a chance? Fair enough.

Hearing no objection, then, so ordered. I want to thank Sheldon for what you have done today. I want to thank all members for their engagement on this bill. I know that there are still a number of important issues that need to be resolved or improved, and I hope to continue work with all of you on these important issues as the process moves forward.

To paraphrase, Winston Churchill bounced out of office at the end of World War II. The next election, he was leaving 10 Downing Street, and was asked by a reporter, he said, "Mr. Churchill, for you, is this the end?" Famously, he replied: "This is not the end; this is not the beginning of the end. This is the end of the beginning."

So it is here. This is the end of the beginning. We still have plenty of work to do, but one hell of a lot of work has been done, and I am deeply grateful to all who have been a part of that. Hold on just for a second.

I understand that Senator Cardin has an amendment that he would like to discuss. Senator Cardin, please.

Senator Cardin. Yes. Thank you, Mr. Chairman. First, I really want to strongly endorse this bill. I want to thank the Chairman and the Ranking Member for continuing the great tradition of this committee. It is a pleasure to work with Senator Cramer on the subcommittee. I strongly endorse the bill.

I am going to call up Cardin Amendment Number One, but I will not be asking for a vote on this amendment. Cardin Amendment Number One would add funds to critical programs that are in this bill to be in line with President Biden's American Jobs Plan. It increases our investment in bridges so that we can begin to address the backlog we face across the Country. It increases funding for the Transportation Alternative Program, which is so important to local communities to upgrade sidewalks, bike paths, and improve safety. It adds \$14.5 billion to reconnecting community pilot programs.

We had a hearing in our subcommittee in which many communities brought forward the highways to nowhere, including

one in Baltimore City that we need to address. It adds more money for electric vehicle charging infrastructure, which will create jobs as well as reduce emissions from transportation, the leading source of greenhouse gases in this Country. I know Senator Stabenow has been one of our great champions on this issue.

It adds resources for the INFRA Program so that we can continue to address freight issues and bottlenecks to improve efficiency and competitiveness in our economy. It adds funding for workforce training so that Americans are ready to participate and take advantage of the job opportunities we will create. It adds resources for safety, which is critical priority.

This year, our goal is to make a generational investment in our Nation's infrastructure, and this committee has a central role to play in that effort. I am sure every member of this committee is tired of infrastructure reports where we get poor grades. The bill we are considering today takes a critical first step, but there is more we can do to answer the call to build back better.

So I will not be asking for a vote on this amendment, but as a member of this committee and as chair of the Transportation and Infrastructure Committee, I will continue to work to advance important transportation infrastructure projects.

Senator Carper. Senator Cardin, thank you for your leadership of our subcommittee and your work with Senator Cramer. You two make a good team, and we are grateful for both of you.

I think Kevin would like to be recognized, if you could just hold for a moment, and you will be recognized after Senator Capito, and we will come to you.

Senator Capito. Thank you, Mr. Chairman.

Just briefly, as many of you know, there has been a lot of talk about a larger bipartisan agreement in conversation with the White House and the jobs plan, and this bill, I think, really is the anchor to those bipartisan discussions, and so I appreciate everybody joining in to craft something that increases, as the Chairman noted in his opening statement, increases from the FAST Act, goes up 34 percent, which is very, very significant. Then, the gentlemen's amendment would pull those numbers up another 25 percent.

So as we talked about earlier, I would not have hesitation voting no against this if we were to bring it to a vote, but I appreciate the sentiment. Thank you so much.

Senator Carper. Thank you, Senator Capito.

Senator Cramer?

Senator Cramer. Thank you, Mr. Chairman and Ranking Member Capito for your incredible leadership. Senator Cardin, it has

been a pleasure working with you as well. I look forward to continue the work.

I would ask to bring up Cramer Amendment Number Two, which, like Senator Cardin, I will not be asking for a vote on, but wanted just a minute to visit about it.

I think the work that has been done is remarkable. I am, like you all are, strongly supportive of the final outcome of the bill. While it may be the end of the beginning, it is a darned good beginning, Mr. Chairman. I think it should serve as a great encouragement to the people who we work for who are watching this process, who if they just accidentally stumble onto this moment, are going, wow, I didn't know they could all actually work together and get things done.

I think you are right, Senator Capito, it should create some momentum for bigger things, and we have gone big today. So, we made some progress, but that being said, I do believe that we can and should do more, especially to prioritize flexibility, innovation, and transparency. The infrastructure policies that Congress promotes should be more focused on delivering results than it is about preserving archaic processes.

My amendment would get to the heart of this issues. It would make a number of streamlining improvements to NEPA as it applies to certain transportation projects under Title 23. It



shouldn't take longer to permit a project than to actually build it. I would reiterate the comments from the Ranking Member. You can't build back better if you can't build.

My amendment also creates a pilot program to establish innovative practices for permitting reviews. This would maintain the environmental safeguards that we all support while bringing new approaches to the forefront. It would create a pilot program to give States flexibility in how they spend the Federal allocation, and lastly, my amendment will require the development of a methodology to determine costs associated with NEPA.

This is just common sense. We should have a clear understanding how much NEPA is costing taxpayers and States to comply.

So, Mr. Chairman, again, I think we can do better, but I think we have done well, and I look forward to continuing to improve the bill as it moves through the Floor and through the process, and with that, I yield.

Senator Carper. Thank you. Very good work on this bill, and to your staff as well. Thank you for your comments.

Would any other members care to speak?

Senator Sullivan. Mr. Chair, I just want to echo the comments of Senator Cramer. I think that permitting reform isn't cutting corners on environmental reviews or anything like

that. It is common sense. When you talk to governors and mayors, regardless of political party, it is always a priority of theirs, because they see first-hand what happens with Federal permitting that can be too burdensome and can take away too much time.

On average, I think, in the United States, it takes almost eight to nine years to permit a bridge. That is crazy. Nine to 19 years from planning to finalizing highways. That is nuts. We wonder how we are not competing with China. That is one way.

You could have a \$10 trillion infrastructure bill, but if we don't get to make our federal permitting more efficient, timely, and certain, none of the money is going to get deployed. I think there is a big potential bipartisan compromise, perhaps more funding for much more aggressive permitting reforms, and I think that can be a bipartisan way to address some of these issues.

Senator Carper. Anyone else who would wish to be recognized? Senator Markey, please.

Senator Markey. Thank you. I just want to agree with Senator Cardin that there is much more to be done, and the American Jobs Act does lay out the framework for what needs to be done.

This bill, for example, there is \$2.5 billion for charging stations. But we know that it will have to be seven to ten

times larger an amount of money of we are going to have 500,000 charging stations across our Country.

We could keep going down the litany of issues that have to be dealt with. Senator Cardin began to outline them. My hope is that this is the beginning of a new era and that we are going to be able to build on this to have a much larger infrastructure bill that will match the full magnitude of all the problems that we are faced with in our Country, and that would be my fervent hope.

My concern is that this will be not only the end of the beginning, but the end as well. We have to avoid that. We have to match our efforts to the magnitude of the challenge that we are faced with climate change and the economic challenges, the infrastructure challenges in our Country. I just wanted to reinforce what Senator Cardin said in hope that we can begin immediately towards achieving that goal with a much larger package as we move forward. Thank you, Mr. Chairman.

Senator Carper. Thank you. Anyone else, please?

Before I move the committee to report the Surface Transportation Reauthorization, let me just take another minute. Normally, most of you know, I take the train to work and go back and forth just about every day. I look out the train window to parallel I-95 for much of the way.

A lot of people are just sitting there, not moving,

polluting, but not moving. The roads and highways and bridges in this Country need an enormous amount of work, an enormous amount of work. We need to invest in them, and we need to invest wisely.

I think we have reported providing extra money, 35 percent more than the last five-year bill. We are making some changes with Senator Capito and others to push forward to make sure we are spending that money more wisely and maybe more prudently, and that is good.

For me, I love helping people. I know we all do. One of the best ways you can help people is to help make sure that they have a job. The legislation that we are about to vote on here is going to help provide opportunities for millions of people to work directly from this legislation on roads, highways and bridges, but also because we are going to be a stronger, more productive economy because of these investments that we are making. That makes me feel great.

The last thing is, that as a Senator from the lowest-lying State in the Country, where the seas around us are rising and our State is sinking, the idea of climate change is very, very real, and I just thank everybody for noting that and making sure that we don't ignore that in this legislation. The day that we can somehow do good things for our planet, good things for people, putting them to work, is a day to celebrate.

Lastly, I will say, people say to me, what do you like about your committee so much? And I say, this is a workhorse committee. We are not show horses, we are workhorses. We go to work and we get things done, and we provide leadership by example. My hope is that we will report this bill out with strong, maybe unanimous vote like we did 18 months ago, and then we will send a strong signal to our sister committees: Commerce, Banking, Finance, that it is time to go to work, and they will join us as well.

With that, I now move that the committee report the Surface Transportation Reauthorization Act of 2021 as amended. Is there a second?

Senator Capito. Second.

Senator Carper. Thank you.

With that, the clerk will call the roll.

The Clerk. Mr. Boozman?

Senator Boozman. Yes.

The Clerk. Mrs. Capito?

Senator Capito. Aye.

The Clerk. Mr. Cardin?

Senator Cardin. Aye.

The Clerk. Mr. Cramer?

Senator Cramer. Aye.

The Clerk. Ms. Duckworth?

Senator Duckworth. Aye.

The Clerk. Ms. Ernst?

Senator Ernst. Yes.

The Clerk. Mr. Graham?

Senator Graham. Aye.

The Clerk. Mr. Inhofe?

Senator Inhofe. Aye.

The Clerk. Mr. Kelly?

Senator Kelly. Aye.

The Clerk. Ms. Lummis?

Senator Lummis. Aye.

The Clerk. Mr. Markey?

Senator Markey. Aye.

The Clerk. Mr. Merkley?

Senator Merkley. Aye.

The Clerk. Mr. Padilla?

Senator Carper. Aye by proxy.

The Clerk. Mr. Sanders?

Senator Sanders. Aye.

The Clerk. Mr. Shelby?

Senator Capito. Aye by proxy.

The Clerk. Ms. Stabenow?

Senator Stabenow. Aye.

The Clerk. Mr. Sullivan?

Senator Sullivan. Aye.

The Clerk. Mr. Whitehouse?

Senator Whitehouse. Aye.

The Clerk. Mr. Wicker?

Senator Wicker. Aye.

The Clerk. Mr. Chairman?

Senator Carper. Aye.

The Clerk. Mr. Chairman, the yeas are 20, the nays are zero.

Senator Carper. Say that again?

The Clerk. The yeas are 20, nays are zero.

Senator Carper. Say it just one more time.

[Laughter.]

The Clerk. The yeas are 20, the nays are zero.

Senator Carper. Thank you. I thought that is what you said. Everybody, congratulations. Good work. This is not the end, but it is a good beginning. Thank you all.

We have the GSAs to do. Final business? Final business, if you will just bear with this for just a moment.

Senator Stabenow. Mr. Chairman, before moving on, I just wanted to say congratulations and ask unanimous consent that my full statement be put in the record about this legislation, but I agree this is a very important step in the right direction, so congratulations.

Senator Carper. Thanks so much. Without objection.

[The prepared statement of Senator Stabenow follows:]



Senator Carper. Final business before us today is to consider ten resolutions relating to the General Services Administration. As members of this committee know, since the Public Buildings Act of 1959, this committee and its predecessor committees have approved GSA prospectuses by committee resolution. The purpose behind this process is to create a Congressional role in GSA process. It is not unduly burdensome or time-consuming.

The resolutions we consider today are GSA leases throughout the Country. Members have had the opportunity to review these documents, and I believe them to be non-controversial. Does anyone have another, different view? Are we okay here? I think we are.

Therefore, we will consider the resolutions en bloc, and we will do it by voice vote. I now move to report favorably the 10 GSA Resolutions. Is there a second?

Senator Capito. Second.

Senator Carper. Moved and seconded. All in favor, say aye.

[Chorus of ayes.]

Senator Carper. Opposed, say nay.

[No audible response.]

Senator Carper. We are on a roll. The ayes have it. With that, the voting portion of this meeting is concluded.

Before we turn to statements from Senators on matters that we reported today and their amendments, I want to acknowledge again the support that the transportation legislation has earned. The legislation is supported by safety groups like the National Safety Council, business organizations like the Association of Equipment Manufacturers, and professional organizations like the American Society of Civil Engineers. Other critical transportation stakeholders like AASHTO and the Bike League are also supporting the legislation.

I ask unanimous consent to submit for the record a number of letters of support for this legislation, including from the organizations I just mentioned. Is there objection? Hearing none.

[The referenced information follows:]

Senator Carper. I am now happy to recognize anyone on this committee who wishes to make a statement on the nominations or the legislation that we just approved or to speak on any of the amendments that were filed or adopted. Anyone? Senator Cardin, or Senator Ernst, then Senator Cardin. Senator Ernst, please proceed.

Senator Ernst. Yes, thank you. Before I talk about my amendment, I do want to thank Chairman Carper and Ranking Member Capito for the leadership on this historic infrastructure legislation. I also want to thank the rest of my colleagues on the committee for providing their valuable input as we develop this bill. Our success this morning shows that we can accomplish a lot when we work together and focus on real transportation infrastructure.

My amendment, Ernst Number One, makes grant funding available for biofuel fueling infrastructure in Section 1401. This section authorizes \$2.5 billion in grants over five years for charging and fueling infrastructure for electric, hydrogen, propane, and natural gas vehicles, but not for biofuel. By leaving out biofuel, we are subsidizing charging infrastructure for wealthy EV owners on the coast, while at the same time, leaving our corn and soybean farmers and biofuel producers on the sidelines.

This program can be more effective if a broader range of

fuels are eligible for it. Neglecting to include biofuel is shortsighted and ignores the role it can play in reducing greenhouse gases in the transportation sector.

Conventional ethanol already reduced greenhouse gas emissions relative to gasoline by nearly 50 percent. Advanced biofuel can reduce greenhouse gases by 70 to 100 percent, and in some cases, be carbon negative. Internal combustion engines will be the primary light-duty vehicle for decades to come, and we can't ignore solutions that provide us with low-cost, lower carbon liquid fuels.

Though I did not push for a vote on my amendment today, I do plan to work with my colleagues to see if we can work this out before the bill gets to the Floor.

With that, I will yield. Thank you, Mr. Chair.

Senator Carper. Thank you, and thanks for your input on this bill in a variety of ways. Thanks so much.

Senator Cardin, and then, I think, Senator Kelly.

Senator Cardin. Thank you, Mr. Chairman.

I just really want to underscore how proud I am of the work of this committee. Under Senator Carper's and Senator Capito's leadership, every member of the United States Senate had the opportunity for input into this bill, every single Senator, all 100. As a result, this is a balanced bill in the needs of all of our communities around the Nation.

Yes, it does contain certain advancements that some of us are very excited about. Some of us are not. It contains changes in some of the regulatory issues, as some of us are concerned about. Some of us think it hasn't gone far enough, but it is the way the committee should operate. Taking the advice of all members, working it, and the staff worked overtime to make sure that it worked what we wanted to do, check with the transportation experts to make sure that the provisions would be sensible and coordinated, and at the end of the day, we have a bill that enjoyed the unanimous support of the committee.

What an achievement, so I just first want to underscore how proud I am to have been part of this effort.

I want to talk about three areas. I already mentioned the funding levels where I think we should be looking at a more transformational number. But I want to talk about three other issues that are, to me, important. I mentioned during the offering of the amendment the reconnecting of communities, and that, to me, is important because of the equity issues of transportation programs over many generations.

Bad transportation programs can really hurt communities, and we have isolated so many communities. They are generally minority communities, communities that are trapped. Good transportation programs can empower communities and provide jobs. So as we look to expand transportation opportunities, we

need to go back and do something about the equity.

I congratulate the Chairman for his connecting community legislation pilot program that you authored. I was proud to be one of your cosponsors, and you are right. We have money in this bill to advance that program, and thank you very much for being able to negotiate that.

I just believe we are going to have to do more. These are scars to communities, and they isolate communities. I can tell you, in Baltimore, what it has done is make communities much more vulnerable. We have work to do.

The second area that I would like to see us do more advancement in is the recognition that we want to build new roads, we want to build bridges, but we have to take care of it. We have to maintain our existing infrastructure. Too often, the maintenance gets pushed aside because of the pressure to do more and build more. We need to make sure that our local transportation officials have a game plan to maintain the structure that we are participating in building. So I think we have to have a stronger focus on the maintenance of the transportation infrastructure.

The last, that came out today during Senator Markey's amendment, and Senator Capito, you are absolutely right. We have a really exciting program under Transportation Alternative Program that gives the ability to do the connecting of

communities, through whether it is bicycle paths, or whether it is trails, or whether it is channeling, or those types of issues. It is a good program, but there is frustration, as Senator Markey's amendment pointed out, with local officials as to how they direct that money going through the normal transportation allocation process with the State, which can be cumbersome at times.

I know that we want to maintain maximum flexibility to our States, and I support that. but I think there is a balance here that we can have to get the TAP Program more sensitive to the local communities, and I look forward to working with this committee as we try to address those issues moving forward. Bottom line, great work. I am proud to be part of the committee and look forward to additional challenges that we are all going to have to confront.

Senator Carper. I think it is safe to say we could not have done it without you. Thank you very much, Ben.

Senator Kelly?

Senator Kelly. Thank you, Mr. Chairman, and thank you, Ranking Member Capito. Great to be here today to work on and advance such landmark legislation championed by both Republicans and Democrats to revitalize America's infrastructure.

This bill invests in our national transportation infrastructure at a historically high level, and most

importantly, the bill will transform our future. As somebody who is at any moment about to become a grandfather, preparing for our future is very important. Investing in our surface transportation is more than building new roads and bridges. It is a foundation for job creation, a flourishing economy, and connectivity for decades to come.

The funding increase for surface transportation shows our shared commitment to a better American future. I am proud of how our work together on this committee accomplishes this. The Surface Transportation Reauthorization Act of 2021 is critical for the State of Arizona.

Like most of the Country, we are in recovery mode from this devastating pandemic, but Arizona is still experiencing record-setting growth. In fact, Arizona is the second fastest-growing State in the U.S. This means that a down payment on our infrastructure is more important than ever. To support Arizona's growing population, we have to build up sustainable, affordable transportation infrastructure.

After talking with Arizona mayors and business groups and others, I worked to include priorities for our State in this legislation. There is more work to be done on infrastructure, but this legislation is the first step of bringing billions of dollars to Arizona to move transportation infrastructure projects forward, projects like the I-10 expansion to make the



corridor more safe and efficient, like I-11 to finally connect Phoenix and Los Vegas, and needed improvements and upgrades to rural roads and bridges.

This legislation thinks ahead to navigate the climate challenges that we face. It invests in transportation infrastructure resiliency, with a particular emphasis placed on heat reduction programs, a major factor in Arizona. It dedicates funding to support Arizona's aging bridge infrastructure, as well as expansions and improvement.

For tribal communities, the bill delivers critical funding to establish a tribal high-priority projects program, creates an Office of Tribal Government Affairs, and increases the overall funding in the tribal transportation project authorization.

It also includes bipartisan priorities that I advocated for, including the ROCKS Act that I introduced with Senator Portman, which would make federal transportation projects more sustainable, efficient, and beneficial to local economies by advancing the use of locally-sourced aggregate resources like sandstone gravel. Also what was included here was funding to help States, metropolitan planning organizations, and localities cover the costs associated with taking on large construction projects.

Mr. Chairman, I am proud to have worked with the Republicans and Democrats to shape and advance this investment

that will upgrade and expand the roadways Arizonans use to connect each and every day. I look forward to our continued bipartisan work to invest in our infrastructure. Thank you, and I yield back.

Senator Carper. Senator Kelly, you say it has been a pleasure. You could have chosen any number of committees to serve on. Speaking as the Chairman, I suspect I speak for others, and thank you, Senator Padilla, for choosing this committee. You have been a great, great addition.

Senator Padilla, you have joined us, and I am happy to recognize you if you would like to address us.

Senator Padilla. Thank you, Mr. Chair. I ask unanimous consent to be recorded as present and voting yes on the Surface Transportation Reauthorization Act.

Senator Carper. Without objection, so ordered. Thank you.

Senator Capito?

Senator Capito. Yes. Thank you, Mr. Chairman, and thank you, Senator Cardin, too. I appreciate the good hard work.

I notice, sort of on a lighter note, that between the Chair and the Ranking Member and the Chair and Ranking Member, all our last names start with C, so we will call this the four Cs. I think we have worked well together.

To hear the statements, Senator Kelly reinforced a point that I think is extremely important in this legislation, and

that is flexibility. What works in Arizona, where his needs are, and where the needs of Arizona are much, much different than what a mountainous terrain more on the eastern coast such as West Virginia, not quite on the coast, but on the eastern part of the States.

Senator Carper. Maybe someday if we are not careful.

[Laughter.]

Senator Capito. Maybe someday. I hope not. We have the Chesapeake Bay, though; we have got that. I think it shows that we need to keep the flexibilities for our State DOTs to be able to meet the demands at the local level, and I think that is really good, but at the same time, we have a lot of common issues. This bridges issue is something than spans all 50 States. I am really pleased because, as Senator Cardin said, we have infrastructure. We need to maintain it.

Bridges, I think, is one of the things that is routinely neglected and is becoming deteriorating. I have been very concerned about that. I just want to thank you, Chairman Carper, because as you and I know, we talk every week at least once and maybe more than that. Our staffs talk constantly.

I think if we are ever really going to get this right in this Congress, communication is the key, and we know we don't agree on certain issues. We know we have strong feelings on each issue. But if we keep communicating and talking and

listening, because you are a great listener, to one another, I think we can overcome some of these hurdles.

But we really couldn't do it without the fine staff members that we have kind of propping us up, so I don't want to start getting in trouble and naming names, so we will do that on the Floor when we get this to the Floor. I want to thank all of them on both sides. You all have been terrific, and I appreciate it.

Thank you, Mr. Chairman.

Senator Carper. I especially want to thank you for saying that I am a great listener. I hope my wife was listening to that.

Senator Capito. I can't help you with that, I have told you that before.

[Laughter.]

Senator Carper. Thank you. It's a joy working with you too. Two kids from West Virginia who grew up and end up in the United States Senate, go figure.

Anyone else want to speak? I don't see anyone still with us.

In closing, I just want to say a special thanks to our staffs, members of our staffs. At 2:00 o'clock this morning, we were still up, and I know some of them probably never went to bed, but it was well worth the effort. Joe Biden likes to say,

politics is personal, diplomacy is personal. He is really right.

I like to say, every night, when I run into people who have been married like, 40, 50, 60, 70 years, I always ask them, I say what is the secret? And I get these great answers. Funny answers, but really great answers.

One of my favorite answers is, the letter C. There it is again. Communicate and compromise. I can't tell you how many people who have been married 60, 70 years say communicate and compromise is really important. It is also the secret for a vibrant democracy. We have just demonstrated the two Cs, communicate and compromise. They really are critical for a vibrant democracy.

I believe we have done good work. I want to thank everybody. Adam, I want to thank you and the team you lead, Mary Frances, Rebecca Higgins, and others on our transportation team. Thank you, and the folks who serve with Senator Cardin as our subcommittee chair with Kevin Cramer, and just everybody else. It has been a great team effort.

Let me see if there is anything else I need to cover before we finish. Leslie, what have we done here? We have sent qualified nominees to the Senate Floor, and now with the votes today, we have now sent eight qualified nominees to the Senate Floor. Four of those have been confirmed, and we hope more will

follow.

In addition, we have reported two bipartisan infrastructure bills out of our committee, one bill to modernize our Nation's water systems that passed on the Senate Floor with 89 votes. People still ask me, is that right? You really got 89 votes for anything? Eighty-nine votes, and the other bill today that will create a transportation system, I think, worthy of the 21st century.

So again, thanks to everyone who has, in this room, who has worked on all this, and those who have left or not in, or maybe within the sound of my voice, but I am grateful to all of you. We have got plenty of work to do.

Staff, do I need to ask unanimous consent to the staff be authorized to make technical and correct conforming changes to the legislation? I will ask for that unanimous consent.

With that, this meeting is adjourned. Thank you all. God bless.

[Whereupon, at 10:46 a.m., the business meeting was adjourned.]