

**DEPARTMENT OF TRANSPORTATION FISCAL YEAR  
2023 BUDGET PRIORITIES**

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**HEARING**

BEFORE THE

**COMMITTEE ON COMMERCE,  
SCIENCE, AND TRANSPORTATION  
UNITED STATES SENATE**

ONE HUNDRED SEVENTEENTH CONGRESS

SECOND SESSION

—————  
MAY 3, 2022  
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Printed for the use of the Committee on Commerce, Science, and Transportation



Available online: <http://www.govinfo.gov>

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U.S. GOVERNMENT PUBLISHING OFFICE

WASHINGTON : 2024

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED SEVENTEENTH CONGRESS

SECOND SESSION

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## DEPARTMENT OF TRANSPORTATION FISCAL YEAR 2023 BUDGET PRIORITIES

TUESDAY, MAY 3, 2022

U.S. SENATE,  
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,  
*Washington, DC.*

The Committee met, pursuant to notice, at 10 a.m. in room SR-253, Russell Senate Office Building, Hon. Maria Cantwell, Chairwoman of the Committee, presiding.

Present: Senators Cantwell [presiding], Klobuchar, Blumenthal, Peters, Tester, Sinema, Rosen, Luján, Hickenlooper, Warnock, Wicker, Thune, Cruz, Fischer, Sullivan, Blackburn, Young, Lee, Capito, Scott, and Lummis.

### OPENING STATEMENT OF HON. MARIA CANTWELL, U.S. SENATOR FROM WASHINGTON

The CHAIR. The U.S. Senate Committee on Commerce, Science, and Transportation will come to order.

Today we will hear from Secretary of Transportation Pete Buttigieg to discuss DOT's budget priorities for Fiscal Year 2023 and DOT's budget request of \$142 billion in Fiscal Year 2023.

For context, this represents a 60 percent increase from the Trump Administration's last DOT budget request of \$89 billion. This significant increase is thanks to Members of Congress in a bipartisan fashion and President Biden for making historic investments in our Nation's infrastructure to create jobs, prepare our Nation to remain competitive in the 21st Century.

The President's infrastructure package aims to solve freight transportation challenges we are seeing today. Our freight infrastructure was operating above capacity before the pandemic but it was not able to handle a 44 percent increase in e-commerce sales in 2 years.

Every part of our supply chain is strained due to capacity issues. Since the middle of 2021 the number of container ships waiting for a dock at U.S. ports have more than doubled, peaking at 150 in early February.

Highway congestion has increased truck operating costs by \$74 billion. So freight services issues have increased the cost of moving a single rail car by as much as \$3,000, potentially increasing the cost of moving agriculture products, for example, from South Tacoma to the Port of Tacoma by 40 percent.

To address these congestions, we must improve capacity, especially with freight shipments expected to increase 50 percent by

2050. I know the Ranking Member, this is a big priority for him as it has been a priority for me in the state of Washington.

The President's infrastructure project helps us by doing the very things we need to do to invest, a historic \$2.25 billion over 5 years for the Port Infrastructure Program, which is a tripling of funding for this program this year.

We have seen the benefits of this program through the modernization of Terminal 5 at the Port of Seattle which is helping us deal with the increased volume of goods.

\$350 billion in roads and bridges over the next 5 years, a 50 percent increase from the FAST Act of 2015, and DOT has already allocated money to our states that are helping us improve infrastructure, eight billion in freight rail over 5 years through the Crissy Program, a program that we authored in the Surface Transportation Bill passed out of this committee focusing on a grant program to help eliminate some of these most congested bottlenecks in our communities and very much appreciate our colleagues support on that.

Five billion increase over 5 years in the new programs for mega projects that have national economic significance, projects like this in my state, the I-5 bridge over the Columbia River which joins Washington and Oregon but is a critical part of the I-5 Critical Network all the way from the Canadian border down to Mexico.

The department is also charged with helping minimize the impacts that our transportation infrastructure has on our environment. That means more than a century of building roads and bridges and infrastructures have resulted in devastating impacts to salmon in our state and fish passage in many other states and so that is why the National Removal and Restoration Program providing grants to states, local governments, and tribes to help remove these culverts and replace and improve fish passage is a key priority and so I look forward to hearing from the Secretary on this and many other issues.

The department also needs to continue to focus on safety, both in air transportation safety and in our roads. The tragic increase of motor vehicle fatalities has shown we have a long way to go.

In my state, the state of Washington, there were 634 highway-related fatalities in 2021 which is the most increase since 2005. So I look forward to asking the Secretary about this.

The budget request does help us improve safety and focusing on expanding the FAA's technical capacity with the National Air Grant Fellowship Program, an important step that Senator Blunt and I sponsored and was then included in our Air Transportation Safety Program.

This is a great program in building the capacity of technical aviation assistance to every branch of government and including here on Capitol Hill and so look forward and thank you for having that included in the budget.

Safety must be a top priority in aviation and it must be a top priority in aviation manufacturing. So we look forward to continuing to focus on that with the Secretary, as well.

So these are many issues that we have to discuss. We will be really seeing soon our aviation report as it relates to the COVID package and the results of that package.

I know that many of my colleagues today will also ask about refund issues because part of that report will also show that refund issues and how the Department of Transportation could be helping consumers have a guaranteed right to those refunds.

So with that, I'll turn it over to the Ranking Member.

**STATEMENT OF THE HON. ROGER WICKER,  
U.S. SENATOR FROM MISSISSIPPI**

Senator WICKER. Thank you, Madam Chair, and I do appreciate the Secretary being with us today and also I appreciate the way he and his team have worked with our offices on getting funds to local communities and to the states in a way that will provide for infrastructure and jobs and better transportation around the country.

Transportation plays a foundational role in developing, shaping, and advancing our economy. We need a transportation system that enables people and goods to move safely and efficiently.

Last year Congress passed the largest infrastructure bill in U.S. history. This legislation will make substantial investments in hard infrastructure, such as roads, bridges, railroads, ports, airports, pipelines, and broadband, and I will say that members of this committee and members of the Senate worked day-in and day-out with Secretary Buttigieg and other members of the Cabinet and the Administration on specific provisions of this legislation as we hammered out the specifics.

The historic package, the infrastructure legislation was carefully crafted to reflect bipartisan agreement among members of this committee, but the way it is implemented will be crucial in determining whether Americans actually see its benefits.

The White House and Department of Transportation are responsible for implementing this law as is written. Yet so far that has not always been the case. For example, I joined Senator Capito's letter to the Secretary expressing deep concern about the Federal Highway Administration's memorandum that discourages states from expanding highway capacity, and, Madam Chair. At this point I would like to enter into the record an opinion piece by the Editorial Board of the *Wall Street Journal*: "How to Kill American Infrastructure on the Sly."

The CHAIR. Without objection.

[The information referred to was entered into the record.]

## HOW TO KILL AMERICAN INFRASTRUCTURE ON THE SLY

## THE WHITE HOUSE REVISES NEPA RULES THAT WILL SCUTTLE NEW ROADS, BRIDGES AND OIL AND GAS PIPELINES.

By The Editorial Board—April 20, 2022 6:23 pm ET



Sections of the Enbridge Line 3 pipeline are seen on the construction site in Park Rapids, Minn. PHOTO: KEREM YUCEL/AGENCE FRANCE-PRESSE/GETTY IMAGES

Americans are going to need a split-screen for the Biden Administration's policy contradictions. Even as the President on Tuesday promoted the bipartisan infrastructure bill he signed last November, the White House moved to make it harder to build roads, bridges and, of course, oil and natural-gas pipelines.

The White House Council on Environmental Quality is revising rules under the National Environmental Policy Act for permitting major construction projects. CEQ Chair Brenda Mallory says the changes will "provide regulatory certainty" and "reduce conflict." Instead, they will cause more litigation and delays that raise construction costs, if they don't kill projects outright.

NEPA requires Federal agencies to review the environmental impact of major projects that are funded by the feds or require a Federal permit. Reviews can take years and run thousands of pages, covering the smallest potential impact on species, air or water quality. Project developers can be forced to mitigate these effects by, say, relocating species.

While the 1970 law was intended to prevent environmental disasters, it has become a weapon to block development. The Trump Administration sought to fast-track projects by limiting NEPA reviews to environmental effects that are directly foreseeable—*e.g.*, how a pipeline's construction would affect a stream it crosses.

Some liberal judges, however, have interpreted NEPA broadly to require the study of effects that indirectly result from a project such as CO<sub>2</sub> emissions. Now the Biden Administration is mandating this. CEQ's new rule will require agencies to calculate the "indirect" and "cumulative impacts" that "can result from individually minor but collectively significant actions taking place over a period of time." This means death by a thousand regulatory cuts for many projects.

The Transportation Department will likely have to examine how a highway expansion could increase greenhouse-gas emissions in concert with new warehouses. The Federal Energy Regulatory Commission might have to calculate how a new pipeline would affect emissions from upstream production and downstream consumption.

Wait—didn't FERC recently walk back its policy to do exactly this? The White House is thumbing its nose at West Virginia Sen. Joe Manchin, who blasted FERC's



now-suspended policy for shutting “down the infrastructure we desperately need as a country.”

The rule’s obvious intent is to make it harder to build pipelines, roads and other infrastructure that would enable more U.S. oil and gas production, even as the Administration makes phony gestures to reduce energy prices. Last Friday the Administration announced it would comply with a court order to hold oil and gas lease sales on public land. Those leases won’t matter if energy companies can’t get Federal permits for rights-of-way.

While fossil fuels may be the rule’s political target, don’t be surprised if green energy is snagged in this trip-wire. Environmental groups have used NEPA to block new mineral mines and transmission lines that connect distant renewable energy sources to population centers. In this Administration, the left hand doesn’t seem to know what the far left hand is doing.

Senator WICKER. And basically let me just quote, if I might, some portions of this editorial.

“The White House Council on Environmental Quality is revising rules under the National Environmental Policy Act, NEPA, for permitting major construction projects. CEQ Chair Brenda Mallory says, “The changes will provide regulatory certainty and reduce conflict. Instead, they will cause more litigation and delays that raise construction costs if they don’t kill projects outright.”

Speaking further and later on in the piece about NEPA, “While the 1970 law was intended to prevent environmental disasters, it has become a weapon to block development.”

The Trump Administration sought to fast track projects by limiting NEPA reviews on environmental effects that are directly foreseeable. For example, how a pipeline’s construction would affect a stream it crosses.

Some liberal judges, however, have interpreted NEPA broadly to require the study of the effects that indirectly result from a project, such as CO<sub>2</sub> emissions. Now the Biden Administration is mandating this, and I would interject at this point I certainly hope that does not continue to be the case.

Continuing to quote, “CEQ’s new rule will require agencies to calculate the indirect and cumulative impacts that can result from individually minor but collectively significant actions taken over a period of time. This means death by thousand regulatory cuts for many projects.”

And I would simply say that I share the concerns of the writers of this editorial that many of the projects and many of the hopes we had coming out of the bipartisan Infrastructure Act will not in fact be easy to accomplish.

Separately, the Federal Motor Carrier Safety Administration’s requiring motor carriers that want to participate in the pilot program for 18- to!-year-old truck drivers to have a registered apprenticeship program with the Department of Labor.

There was no mention of either the Department of Labor or registered apprenticeship programs in that provision of the statute, again which was hammered out very deliberately and carefully between Republicans and Democrats in conjunction with members of the Administration.

Additionally, the Department of Transportation is requiring applicants for major grant programs, such as the Port Infrastructure Development Program, MEGA, or RAISE Programs, to consider climate change and environmental justice in order to receive funding despite no reference to those terms in those parts of the bill.

I've heard from constituents who have decided not to apply because of these burdensome additional conditions.

The Administration should not be using this carefully crafted bipartisan law and carefully worded bipartisan law as an opportunity to insert its own liberal priorities.

Nominating personnel is another key part to implementing this bill and ensuring the safety and efficiency of our transportation system. The FAA is currently without a Senate-confirmed Administrator. We need one soon.

Additionally, the U.S. Merchant Marine Academy needs the staff and resources to improve its facilities, upgrade the training, and keep students safe.

I was pleased to see that the budget proposal includes an additional \$11 million to begin addressing the campus' deferred maintenance and to hire adequate staff. I hope the Secretary will ensure that this excellent school has the resources it needs.

The ongoing supply chain issues plaguing our economy are well known to the Committee. Implementing the infrastructure law in a timely and effective manner will help address many of those issues but there are also more near-term solutions to consider.

The Senate recently passed Senator Klobuchar and Senator Thune's Ocean Shipping Reform Act with unanimous support. This bill includes key provisions from the Freight Act, which I authored, and I urge the House to pass it without delay.

So at any rate, it's good to have our friend Secretary Buttigieg with us today to iron out some of these issues and I look forward to his testimony.

The CHAIR. Thank you, Senator Wicker, and I would say you're reminding me that, you know, there are several positions that are being held on the Republican side that are critical, I think, to safety and its General Counsel. So I forgot to mention that. So we'll get to those in the questioning period.

Thank you, Secretary Buttigieg, for being here, and thank you for steering this major investment into our economy, as we saw during my recess anyway, a lot of this investment in real terms coming into effect, so very heartening in our communities. So thank you for your leadership here and we welcome you and please make your opening statement.

**STATEMENT OF HON. PETE BUTTIGIEG, SECRETARY,  
U.S. DEPARTMENT OF TRANSPORTATION**

Secretary BUTTIGIEG. Thank you very much, Chair Cantwell, Ranking Member Wicker, and to all of the members of the Committee.

I appreciate the opportunity to discuss the Department of Transportation's Fiscal Year 2023 Budget and Priorities.

I want to first thank the members on both sides of the aisle who delivered the bipartisan infrastructure law and the Fiscal Year 2022 Omnibus.

This committee helped to deliver much-needed resources vital for communities across America. Because of these historic investments, the department is now in a much stronger position to help build the transportation future the American people need and deserve, one that's safer, more efficient, more affordable for everyone from

families transporting kids to businesses moving goods, and we've acted urgently and responsibly to do just that.

Let me offer just two examples. We recently saw the dramatic collapse of a bridge in Pittsburgh where, if not for the divine grace of a snow day, there could have been school buses driving over that eight-story high bridge when it fell.

In December we provided the biggest Federal highway funding to states in decades, \$52.5 billion, to make roads and bridges safer, more modern, and more resilient so people can get to where they need to go.

Another urgent priority is addressing the pandemic-driven supply chain disruptions and accompanying inflation, while also ensuring our Nation's supply chains are resilient into the future.

We've helped to create temporary or pop-up inland ports in Seattle, Savannah, and Oakland. We made available an unprecedented level of funding to modernize America's port infrastructure and knowing that people are the most critical element to supply chains, we've acted to help truck drivers, including by addressing time spent behind the wheel without being paid, guiding states to build additional safe truck parking, and nearly doubling the number of registered apprenticeship programs so that more new drivers enter the profession with high-quality paid on-the-job training.

All of this is designed to help move record amounts of goods more quickly and to stem the rising costs of shipping and it's showing results.

A few weeks ago in Tell City in Southern Indiana, at a site visit alongside the state transportation commissioner, I saw how our Federal port investments will support shipments of pig iron through a small river port, supporting jobs for over a thousand people at a nearby foundry.

Across the country the total number of container ships waiting for berths at U.S. ports has dropped by about 35 percent since peaking in early February. Employment for trucking rose in 2021 to its highest level since 1990 and grocery and drugstores have products in stock at almost the exact level as before the pandemic.

But there is still far more to do to achieve our goals from lowering costs to giving people back time in their day.

In Fiscal Year 2023 we're poised to build on early progress with the President's budget for the Department of Transportation that totals \$142 billion, including \$36.8 billion in advanced appropriations provided by the infrastructure law.

Here are a few highlights. Safety remains our top priority and our request includes funding to help address the crisis of deaths on America's roadways as well as to support the elimination of railroad grade crossings that are frequently blocked by trains which will save lives and improve supply chains.

With \$4 billion for RAISE and the new MEGA Program, we will rebuild century-old infrastructure and lay the groundwork for America to compete and win in decades ahead.

We'll also start implementing our new rule for ambitious fuel efficiency standards, projected to save the typical household hundreds of dollars in gas costs, accelerate our move toward energy independence, and reduce billions of metric tons of carbon dioxide emissions.

We'll invest a total of \$17.9 billion to reverse decades of under-investment in intercity passenger rail and make fast, reliable train service available to more people, and to keep making progress on supply chains and help move goods faster and fight inflation, we'll invest a total of \$680 million to modernize ports, three billion to improve the roadways that carry the majority of America's freight, and a total of \$1.5 billion for CRISSY grants to improve freight rails.

That's just a sample of the improvements the American people will experience when they fly, drive, ride, and shop as enhancing our transportation systems directly helps lower the transportation cost of goods and services.

This type of infrastructure transformation only happens at most once every generation and it only happens if we work together.

So I want to again thank you for showing that democracies can deliver for the people they represent and for ensuring that the United States remains the global economic leader.

I look forward to addressing your questions.

[The prepared statement of Secretary Buttigieg follows:]

PREPARED STATEMENT OF HON. PETE BUTTIGIEG, SECRETARY,  
U.S. DEPARTMENT OF TRANSPORTATION

Chair Cantwell, Ranking Member Wicker, and members of the Committee, thank you for the opportunity to discuss the Department of Transportation's Fiscal Year 2023 budget and priorities.

I first want to thank the Members on both sides of the aisle who delivered the Bipartisan Infrastructure Law, and the FY 2022 Omnibus. This Committee helped deliver much-needed resources, vital for communities across America.

Because of these historic investments, the Department is now in a much stronger position to help build the transportation future the American people need and deserve . . . one that is safer, more efficient, and more affordable for everyone, from families transporting kids to businesses moving goods.

And we have acted urgently—and responsibly—to do just that. Let me give just two examples.

We recently saw the dramatic collapse of a bridge in Pittsburgh, where, if not for the divine grace of a snow day, there could have been school buses driving over that 8-story high bridge when it fell. In December, we provided the biggest Federal Highway funding to states in decades, \$52.5 billion, to make roads and bridges safer, more modern, and more resilient so people can get where they need to go.

Another urgent priority is addressing the pandemic-driven supply chain disruptions and accompanying inflation, while also ensuring the Nation's supply chains are resilient into the future. We've helped create pop-up inland ports in Seattle, Savannah, and Oakland. We've made available an unprecedented level of funding to modernize America's port infrastructure. And knowing that people are the most critical element of supply chains, we've acted to help truck drivers, including by addressing time spent behind the wheel without being paid, guiding states to build additional safe truck parking, and nearly doubling the number of registered apprenticeship programs so more new drivers enter the profession with high-quality, paid, on-the-job training. All of this is designed to help move record amounts of goods more quickly, and to stem the rising costs of shipping. And it's showing results.

A few weeks ago in Tell City, Indiana, at a site visit alongside the state Transportation Commissioner, I saw how our Federal port investments will support shipments of pig iron through a small river port, supporting jobs for over a thousand people at a foundry nearby. Across the country, the total number of container ships waiting for berths at U.S. ports has dropped by about 35 percent since peaking in early February; employment for trucking rose in 2021

to its highest level since 1990; and grocery and drug stores have products in stock at almost the exact level as before the pandemic.

But there is still far more to do to achieve our goals, from lowering costs to giving people back time in their day. In Fiscal Year 2023, we are poised to build on early progress with a President's budget for the Department of Transportation that totals

\$142 billion, including \$36.8 billion in advance appropriations provided by the infrastructure law.

Here are a few highlights:

Safety remains our top priority, and our request includes funding to help address the crisis of deaths on America's roadways, as well as to support the elimination of railroad grade crossings that are frequently blocked by trains, which will save lives and improve supply chains.

With \$4 billion for RAISE and the new Mega program, we will rebuild century old infrastructure and lay the groundwork for America to compete and win in decades ahead.

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That's just a sample of the improvements the American people will experience when they drive, fly, ride—and shop, as enhancing our transportation systems directly helps lower the transportation costs of goods and services.

This type of infrastructure transformation only happens at most once every generation, and it only happens if we work together. So I want to again thank you for showing that democracies can deliver for the people they represent—and for ensuring that the United States remains the global economic leader.

I look forward to taking your questions.

The CHAIR. Thank you, Mr. Secretary, and thank you for that fine point on how infrastructure investment helps drive down the cost of moving good and services.

I tell you my state feels this at every corner of our state and so we certainly appreciate it.

If I could, I got several issues, if I could just run through them as quickly as possible. The Port Infrastructure Grant Program that you mentioned, we want to get those funds, you know.

Will you commit to working with me to ensure that the recipients are able to execute their own funding as soon as possible to help speed up the port infrastructure congestion issue? Sorry.

Secretary BUTTIGIEG. Sorry. I didn't catch the question.

The CHAIR. So the question is so you're basically—I've heard from stakeholders there's still confusion about how the Maritime Administration will administer the new authority.

So I'm asking you, will you—

Secretary BUTTIGIEG. I see.

The CHAIR.—commit to work with me and others to ensure recipients can execute their own funding as soon as possible to help speed up the projects?

Secretary BUTTIGIEG. Yes, absolutely. The window for 2022 applications is open now and we want to see these dollars deployed as promptly and effectively as possible.

The CHAIR. You know, I mentioned this issue of delayed—people holding up some of your nominees, particularly NHTSA. Since safety is such an issue and fatalities, I mentioned in my opening statement.

Can you describe the impacts these delays are having on the department?

Secretary BUTTIGIEG. It would certainly be helpful to have our nominees confirmed. People throughout the department are doing a terrific job, but there's no substitute for having a confirmed operating Administration head and then, of course, that allows for a deputy to fully rise to their responsibilities, as well.

That's important in NHTSA for safety, I would add, for the CFO of the department that's been asked to handle such an influx of funding.

Our General Counsel and many other positions which we are very eager to see confirmations and for the benefit of safety, supply chains, fiscal responsibility, and everything that we're responsible for managing.

The CHAIR. And I mentioned—thank you for the air grant support in the budget. Will you continue to oversee the FAA and make sure that they are adhering to the law that we passed on aviation safety and implementing those rules into law?

Secretary BUTTIGIEG. Yes, we recognize the importance of promptly and effectively implementing that law. My understanding is about 30 percent of the new requirements or prescriptions have been addressed so far and we'll continue working to ensure that FAA meets its obligations and responsibilities.

The CHAIR. Well, I think everybody's concerned with the change in FAA Administration that we do have consistency and continuity here and continue to make progress, that the FAA is the final word here on safety, and they have to continue to make the improvements that we've outlined by Congress.

One of the issues I know my colleagues are going to bring up, my colleague Senator Markey and Blumenthal, and we appreciate their leadership, is, you know, on these new rules to address policy gaps in significant delays in flights and how that was defined and whether consumers deserve to have refunds.

What is DOT going to do to help us set a standard so that our consumers—you know, we're going to say the PSP and the supply chain support by all of us collectively had positive results, but we also want to make sure that our consumers who felt the impact of the pandemic also get their response from the airlines in a timely fashion.

So DOT has not set a standard for how long delay must be in order to be significant. Are you going to be doing that?

Secretary BUTTIGIEG. So we agree, in addition to supporting a robust aviation sector, we need to make sure that airlines are held accountable for doing right by consumers and make sure the traveling public's treated fairly.

Part of how we responded to that is by enforcing on an airline's obligation to provide refunds when there are cancellations or significant changes to flights. We fined one airline \$4.5 million for extreme delays in providing refunds and we're investigating and actively working on a rulemaking that would address protections for consumers unable to travel due to restrictions or concerns related to serious communicable disease.

That rulemaking should be ready to go to OWIRA within days and welcome the chance to work with you on other ways to make

sure that consumers have a positive experience and are treated fairly by airlines.

The CHAIR. Thank you. I appreciate it. I know we're going quickly through all these, but if I could get you on two other issues.

On the budget request for an additional 1.5 for MEGA projects and RAISE, can you explain what the additional funding for projects look like and why this is so important?

Secretary BUTTIGIEG. Well, these are flagship programs that are going to allow us to support projects around the country, everything from projects in the MEGA Program too large or complex to fund through traditional streams to raise much of which will go to smaller rural projects.

Again, we view it as important both for passengers and for goods movement in the U.S.

The CHAIR. Thank you. And then on the culverts, I have to take exception to my colleague. You know, we agree on many things. You know, NEPA was something that Scoop Jackson was the author of, the National Environmental Protection Act, and, you know, when I look at my state and look at the transportation infrastructure that's literally ruined, you know, stream passage and, you know, the things that we're now having to pay so much for because of the impacts.

I look at these issues and say we have to be able to do both. I mean, that's what this transportation package said, too. We have to be able to do both. We have to do smart transportation infrastructure and continue to help make sure that those things are protected.

I love the greening of our ports, particularly because it's going to help us. We have air containment quality problems throughout the United States and this is going to help.

So we've secured money for that and I just want to know that you will work with NOAA to maximize the potential of this program. We're waiting for NOAA and DOT to get together and push forward on this.

Secretary BUTTIGIEG. Yes, we're committed to working with NOAA, Fish and Wildlife Service, and everybody in the interagency who has expertise on this so that we can get those \$200 million for this year out the door, and we hope to have that Notice of Funding Opportunity out this summer.

The CHAIR. Great. Senator Wicker.

Senator WICKER. Thank you, Madam Chair.

Just following up on that, Mr. Secretary, stream passage would be a direct effect of building a bridge or road, would it not?

Secretary BUTTIGIEG. Yes, a culvert or a road construction, depending, of course, on the specifics of the project.

Senator WICKER. OK. Not an indirect or a cumulative effect.

Let me just start by getting you to commit to following the requirements of the bipartisan infrastructure law as enacted.

Secretary BUTTIGIEG. Absolutely. Our aim and our intent is to apply this law as written.

Senator WICKER. OK. Well, let's start with the truck driver apprenticeship program. I think it's important to enact this. This would allow 3,000 18- to 21-year-old drivers to participate in operating interstate commerce.

As I mentioned in the statement, the additional requirement that is not in the statute is that truck carriers seeking to participate in this program register with the Department of Labor as a registered apprenticeship.

As you know, there are Department of Labor apprenticeship programs. There are also highly effective and longstanding state apprenticeship programs. Both processes are burdensome in many degrees and, for example, in my state of Mississippi, community colleges have implemented their own apprenticeship programs which have been quite effective.

Where in the section of the law does it say that the Labor Department should require Department of Labor apprenticeship programs?

Secretary BUTTIGIEG. So I don't think that's in the text of the law. It is in our aim to comply with the text of the law. 230.22 requires that we stand up this program and it set a pretty short deadline, 60 days, for FMCSA to begin the safe driver apprenticeship program.

Our challenge, of course, is to do so both swiftly and safely and in this case, we believe that the best way to make sure that we're meeting our obligation to ensure that there's no tradeoff in safety as we introduce these younger drivers to the road is to make sure that there's a clear and effective pattern for mentorship and education.

So having an already-existing framework and a successful one, we feel helps us to attract the broadest range of participants and have a high level of retention to knowing the excellent retention record of that program and also known to lead to positive pay.

Senator WICKER. It is an already-existing framework that is preferred by the political left. There are other existing and effective frameworks, and I can tell you we're just going to have to have a discussion about that because I think you've chosen winners and losers in an arbitrary way there.

Have you been to the U.S. Merchant Marine Academy yet, Mr. Secretary?

Secretary BUTTIGIEG. I haven't. The Deputy Secretary was there recently and I'm looking forward to an upcoming visit. We don't have a date set just yet.

Senator WICKER. OK. I think you'll be very, very impressed, but we've got some needs there, and there is a National Academy of Public Administration, NAPA, study which says we're woefully behind in expertise, training, technology, and personnel, and yet it's still a great academy, but we've got to prioritize these recommendations.

Will you commit to working with this committee in tracking the progress on steps for these recommendations?

Secretary BUTTIGIEG. Absolutely. We've been tracking it closely from my office already and again look forward to seeing how it's going on the ground, too.

Senator WICKER. OK. Now did you—what do you think about this editorial that I read to you? There's no language in the infrastructure law that authorizes DOT to require applicants to address factors that are not listed in the statutes, and our goal is to start building this infrastructure quickly.



For example, automobile dependence in building roads and bridges, I mean, that's almost like a non sequitur. That's going to make it harder to build highways and bridges saying that the applicants must consider automobile dependence as a factor.

Secretary BUTTIGIEG. Well, the idea here is to make sure that people have options, whether driving a car, whether taking transit, whether using active transportation.

We want to make sure that we're moving toward a roadway and highway network across the country that provides the most and best options for Americans to get around.

Senator WICKER. OK. Well, I think what we are seeing and what this editorial indicates is that we're going to see a lot of minor factors pile up and slow projects much as the litigation has done over the years.

You will admit that the litigation that this opinion piece mentioned has, rightly or wrongly, served to delay the implementation of infrastructure projects. You will admit that, will you not?

Secretary BUTTIGIEG. Well, our intention is to build good stuff well and we would like to do that promptly, too. I would say part of being prompt is making sure that there is compliance with the law on the front end, meaning there will be less litigation later in the life of the project.

Senator WICKER. Let's comply with the law and not read in requirements that are not in the statute.

Thank you, Madam Chair.

The CHAIR. Thank you, Senator Wicker.

Senator Klobuchar.

**STATEMENT OF HON. AMY KLOBUCHAR,  
U.S. SENATOR FROM MINNESOTA**

Senator KLOBUCHAR. Thank you very much to both of you. Thank you, Secretary, for being here and for all your good work.

You and I have discussed this bill a few times and I so appreciate your leadership on the shipping and supply chain. I think we know that we have to get this done. The past 2 years have highlighted significant supply chain disruptions. Price of shipping containers increased fourfold.

Of course, that goes on the backs of consumers because the prices are passed down to them from manufacturers and farmers who are hurt by this and that's why Senator Thune and I joined together and I want to appreciate the leadership of the Chair and the Ranking Member on this, as well, to get our bill passed, the Ocean Shipping Reform Act, through the Senate, not just this committee, thanks to the Chair and Ranking Leadership, but also through the Senate Floor.

And now it's over in the House where there is a similar version, but I just want to get this done as does Senator Thune because I think the more that time ticks on, as we know, anything can happen in this town. Things get delayed and we have a winner here and we have a winner in terms of pushing the shipping industry and actually showing that the Congress speaks with one voice when it comes to shipping rates.

Could you talk about the urgency from your perspective of getting this done?

Secretary BUTTIGIEG. Thank you. Yes, we know we're in an urgent moment when it comes to our supply chains. Anything we can do to make shipping more efficient and effective is going to make a difference at a time when we're fighting inflation with everything that we've got.

I want to recognize your leadership and that of others that you mentioned in moving the Ocean Shipping Reform Act and the sooner that it can be enacted and signed, the sooner the FMC can get to work with support from my department in making good on those provisions.

Senator KLOBUCHAR. Exactly. And, I mean, there is some talk of putting it in another bill. I just—you know, whatever, but months and months can go by. A bill that has like 60–70 conferees and we actually have—all of the groups have endorsed this bill and I really think it's time to move and work this through with the House because the months go by and we don't send a message that we want to to the international shipping conglomerates.

The other thing I wanted to talk about was trucker shortages, you know, in addition to the congestion at our ports. We've also faced a shortage of truck drivers. I think it's estimated the trucking industry was short a record 80,000 drivers in 2021.

Could you talk about what the department is doing on that front?

Secretary BUTTIGIEG. Yes, we view this as a major issue, and we need to make sure we're acting both to recruit and to retain truck drivers.

On the recruiting side, we've been working with the Department of Labor on registered apprenticeships. We've seen a huge swell of trucking companies and consortia joining that. We're working to recruit more veterans. We have the pilot for younger drivers to safely enter the work force, and we need to do more to make sure more women thrive in trucking careers. So we have a whole body that's been set up now to work on that.

Then there's the retention piece. We lose about 300,000 truck drivers a year and so we need to look at everything from working conditions to compensation. Among the conditions I would mention as critically important is truck parking.

The sooner we can address those, the sooner we can not only bring people into the career but have people stay and thrive in that vitally important part of our supply chains.

Senator KLOBUCHAR. Very good. Thank you for your emphasis on that.

Distracted driving, I've long been working on that, including with Senator Hoeven. Every day eight people die and more than a thousand are injured in crashes. We've got money in the bipartisan infrastructure bill on that.

Can you talk about the department's plans when it comes to distracted driving?

Secretary BUTTIGIEG. We made such gains as a country when it came to impaired driving only to see the rise in distracted driving, especially since the advent of the smart phone.

We need to recognize this as a major source of risk, a major factor in fatalities, and as we roll out our new National Roadway

Safety Strategy, attention to this will be one of the core elements of our work to save lives on our roadways.

Senator KLOBUCHAR. OK. Very good. Going a little more local, the Blatnik Bridge, which connects Minnesota and Wisconsin, in fact the President the day after the State of the Union visited the Blatnik Bridge, and earlier this year your department announced significant funding for a number of grant programs, including MEGA projects, projects that are too large or complex for traditional funding programs.

How is the DOT coordinating and communicating with state departments of transportation to promote competitive grants? Appreciate the help we've already gotten with the congressionally initiated projects as well as the grants you're already giving out at, in my mind, a rapid pace as we all know from being home, but talk about some of these bridge projects and how important they are.

Secretary BUTTIGIEG. Thank you. We've made over \$70 billion available. There's more where that came from in programs ranging from the Bridge Investment Program to the Awards Selections for programs like MEGA which you cited.

This is especially important for these large bridge projects that are simply bigger than what's contemplated by a lot of our competitive grant programs.

We're in close touch with state departments of transportation. I would add Governors who are often enthusiastic about these major bridge projects, and we're committed to making sure that there's a smooth process for those applications.

Senator KLOBUCHAR. OK. Very good. Thank you very much, Secretary.

Secretary BUTTIGIEG. Thank you.

The CHAIR. Thank you, Senator Klobuchar.

Senator Blackburn.

**STATEMENT OF HON. MARSHA BLACKBURN,  
U.S. SENATOR FROM TENNESSEE**

Senator BLACKBURN. Thank you, Madam Chairman, and, Mr. Secretary, again welcome. We are so pleased to have you before us.

A couple of things I want to touch base with you on today. There have been just billions of taxpayer dollars that have ended up with fraud and abuse through some of the grants and the different projects that are out there, and I know that when you look at the infrastructure funding, some of the money that is used for enhancements, not for roads and bridges, but for walking trails, bike paths, things of that nature, have gone to groups that I have got some questions about.

I think Tennesseans have questions about them. You've got groups like Speak for the Trees which received a grant for a project utilizing story-telling and tree walks aimed to increase awareness surrounding an equitable tree canopy cover.

So talk to me about how you can assure us that this money is going to go to what is needed, roads, bridges, railways. You've already mentioned today a bridge collapse. You were with me in Memphis when we toured and DOT worked with Tennessee and Arkansas to address the bridge collapse.

So talk with me a little bit about your monitoring of these grants and making certain this money goes for infrastructure.

Secretary BUTTIGIEG. Well, thank you, Senator, and, of course, I remember well the visit to Tennessee and our many conversations about the importance of the I-40 bridge in Memphis which went through that closure.

Every program that's in the bipartisan infrastructure law will be subject to very strict controls and very high standards, and I can tell you that, in addition to our own personal attention to this, the President has charged each of the department heads involved in implementing the infrastructure law to make sure that our Inspectors General are empowered to provide the oversight that is a very important part of their work, as well.

Of course, if you encounter any case where you believe that the law is not being followed in the implementation or delivery of a project, we'd certainly encourage you to refer that to my office and/or to the Inspector General because it is very important—

Senator BLACKBURN. Well, we'd like to make certain that these groups, as the one I mentioned, that money is not going there when we need this for expanded roadways.

There are construction projects that are needed to facilitate commerce and to see money going to something like this is—when it's taxpayer dollars, it's not Federal Government money, it's taxpayer money.

You and I talked earlier this morning about the automotive innovation that is taking place in Tennessee, whether it's with electric vehicles or with autonomous vehicles, and the AVs, let's talk about those for a minute because China is investing heavily in autonomous vehicles and trying to be first to market and for a vehicle that is going to be affordable.

So, I would like to hear from you what you are doing at DOT to support the states and to support some of the innovation that is taking place not only with EVs but also with AVs, and how are you working with the Federal motor vehicle safety standards to set aside areas where this innovation and this testing can take place in order to move these to commercialization?

Secretary BUTTIGIEG. Well, thank you for raising such an important issue. The future of driving is unquestionably going to include automated vehicles. If we get it right, it means that our vehicle travel will be safer and more efficient.

So we're going to continue our collaboration with Congress, with industry, with safety organizations, and other stakeholders to make sure that we are supporting this kind of innovation and making sure that it develops in ways that are safe and beneficial.

I should mention that more than many people might be aware, there is not a lot that would stop an automated vehicle from being made available provided that it meets Federal motor vehicle safety standards. We regulate the car, to simplify a little bit, not the driver.

But what we're doing is we're working to make sure that our regulations keep pace. I'll give a very simple example that could be illustrative here.

We have a reference to airbag safety that refers to passenger seats and driver seats, but, of course, if there is no driver, we have

to be concerned about left seat and right seat, not a passenger seat and a driver seat.

So it's the very language of our regulations needs to be updated and we're working on that right now to make sure we keep pace with the innovations that are happening.

Senator BLACKBURN. OK. Thank you very much for that. I'm out of time, but regulatory complexity continues to be a problem. I asked you about this when you came before us for your confirmation hearing. I will submit a question to you on that for the record.

Thank you so much. Thanks, Madam Chair.

The CHAIR. Thank you, Senator Blackburn.

I don't see Senator Young on the screen, and I don't see anybody on our side or on the screen. So I'm going to go to Senator Thune.

**STATEMENT OF HON. JOHN THUNE,  
U.S. SENATOR FROM SOUTH DAKOTA**

Senator THUNE. Thank you, Madam Chair.

Secretary Buttigieg, I appreciate that the department has specifically committed to investing discretionary funding in rural areas consistent with congressional directives. However, I am concerned that pending regulatory matters the department is not adequately considering rural states.

In establishing the Roots Council, this committee directed the department through the Council to ensure that the unique transportation needs and attributes of rural areas and Indian tribes are fully addressed during the development and implementation of programs, policies, and activities of the department and that's quoting from the directive.

At last week's hearing before the Appropriations Subcommittee, you mentioned that the proposed greenhouse gas performance rule was sent to OMB.

My question is did the department subject this proposal to careful consideration by the Roots Council in developing this rule consistent with the congressional directive that I mentioned above?

Secretary BUTTIGIEG. I will check whether the Roots Council, which is an internal body, has been involved or to what extent they've been involved in the GHG rule and get back to you on that.

Senator THUNE. Well, if you would. I mean, I think the unique needs and attributes of rural areas, things like population density, need to be adequately addressed in the rule, and as you know, measures to reduce emissions in urban areas, such as increased public transit, are generally not viable in rural areas.

So I would ask that if this particular review was not done by the Roots Council that the rule be withdrawn from OMB and that that review be undertaken. Is that something you can commit to ensuring that input from the Roots Council will be incorporated into the proposed rule?

Secretary BUTTIGIEG. I don't know that I could commit to withdrawing it from the OMB process, but I certainly will commit that this rule and any rule will consider the interests and needs of lower density rural and tribal communities.

Senator THUNE. Back to AVs, you just got a question on that, as you know, it's something I've worked over the past several years to try and address in a bipartisan fashion and that is to enact auto-

mated vehicles legislation which I do believe is the key to ensuring that AVs are tested and deployed under a safe and consistent regulatory framework, and I remain committed to advancing this critical emerging technology, but in the absence of legislation, I believe it's essential for the department to establish a framework for the testing and deployment of AVs, measures such as granting exemption petitions or updating relevant regulations are crucial to modernizing vehicle safety standards and gathering relevant safety data to ensure that the U.S. maintains its leadership in this important technology.

Will the department continue to support AV testing and demonstration initiatives to ensure that the United States does not fall behind in testing and deploying this critical safety technology? In followup, if so, could you describe the department's work to advance some of those programs?

Secretary BUTTIGIEG. Yes, thank you. The short answer is yes, and I'll share a couple examples that are within the realm of our existing authorities, even pending congressional action, to pave the way for further work on AVs.

One is that NHTSA has the authority under Section 555 to allow the deployment of vehicles that would be exempt from safety standards as long as an operator can show that it would lead to an equivalent level of safety. There's a cap on that, 2,500 vehicles per year for 2 years, and they can be extended. One exemption so far has been granted to a company called Nuro.

We do have additional petitions for exemption and are moving to try to address those promptly.

The other thing I would mention is there's the exemption called Box 7, that's for imported vehicles, and a number of exemptions have been granted to allow for the deployment of AVs. That's on restricted and specific routes but another way to make sure that some of these innovations are playing out on U.S. soil.

Senator THUNE. The nation's trucking industry is the backbone of our economy which we found out during the pandemic, and I've advocated for a regulatory framework that provides the flexibility that truckers need to safely deliver goods across the country which is why I was pleased by the FMCSA's publication of a final rule in June 2020 to increase hours of service flexibility, and I will continue to advocate for increased flexibility for agricultural and livestock haulers who face unique circumstances associated with the goods that they transport.

Could you describe how the department and FMCSA are adequately considering the needs of small truckers and haulers of agricultural goods when evaluating some of these regulatory actions?

Secretary BUTTIGIEG. Thank you. Yes, we recognize that those who are hauling agricultural goods in the cold chain or in particular livestock face different issues than if you're hauling a load of shoes or other inanimate objects, and I think that the framework of exemptions and the different DOT requirements are intended to reflect that.

As your question notes, this is about being safe and efficient at the same time. Our North Star, of course, has to be safety, but when we can provide flexibility that doesn't cut against the goal of safety, we will continue to do so.

Senator THUNE. Well, and I hope that you will look for ways to do that. That flexibility is really key and there are in rural areas particularly when you're hauling these types of loads, this kind of freight, I think there ought to be a different application of some of these regulations which can be not only very expensive but make it very, very difficult for agricultural producers to get their animals and commodities to their destination.

Thank you, Madam Chair—Mr. Chair. Sorry.

**STATEMENT OF HON. GARY PETERS,  
U.S. SENATOR FROM MICHIGAN**

Senator PETERS. Thank you, Senator Thune. I'm sitting in for the Chair, and as Chair I'm also actually up for questions. So I can recognize myself.

Secretary Buttigieg, good to have you here with us. Thank you for the outstanding work you're doing and appreciate your testimony here today.

Last week, along with 11 of my Senate colleagues, including many members of this committee, I wrote to you about the need to develop a Federal framework to facilitate the safe development and the deployment of autonomous vehicles here in the United States. I know you've already had some questions related to that. So you know that this committee is certainly very interested in this topic, and I know you've only had the letter for 6 days. So I certainly don't expect a complete answer to that letter here today but certainly appreciate your attention.

But I do want to have a conversation about autonomous vehicles and the fact of the matter is that 1 day I think we all know that cars will be both electric and they will be autonomous, as well. Those are really only two open questions.

First, will those cars be made here in America with good paying jobs, including good paying union jobs, and, second, will we enact policies today to achieve the best outcomes for workers for society and the economy of tomorrow or will we be reactive to what is inevitably coming?

History has taught us that technological change is inevitable and while that has produced benefits for society, there's plenty of examples of workers unfortunately getting left behind as this technology moves forward.

So I believe we can seize the moment to mold a new pattern because good jobs and innovation in my mind do not have to be and are not mutually exclusive.

So my question for you is do you agree with me that we can both embrace new technology, like autonomous vehicles, while opening up opportunities for current transportation workers in addition to creating new jobs, and what are some of the steps you think are necessary for us to achieve that vision if you agree?

Secretary BUTTIGIEG. Thank you. We very much agree and like you are interested in making sure that this transition, whether we're talking about electric or automated, is principally made in America, that it creates more opportunity and it can, but we need to provide the right kind of policy framework.

We're doing everything we can with existing authorities to make sure that it unfolds in a way that is safe, that builds the confidence

of Americans in these technologies, and at the same time provides the flexibility for the kinds of research, development, and testing that are needed, and believe that there is more that we can be doing with our existing authorities, but also very much believe we need to work with Congress to have a legislative framework that adequately contemplates these kinds of vehicles becoming more widespread.

Senator PETERS. Well, I appreciate that and if we have time more questions related to that, but I want to shift a little bit here to a different topic.

Over the past year, we've seen substantial congestion at ports on the East Coast and the West Coast which all contributed to significant delays and problems for our economy, and I believe that part of the solution to ensuring that we don't see congestion like this again is to make better use of our ports in the Great Lakes which can play a significant role in easing congestion at coastal ports. They improve the efficient movement of freight and reduce emissions in the process which is great for our environment.

However, in order to achieve these goals, we need to ensure that all seaports have equitable access to Federal resources and are held to the same standards and that's why I'm committed to working with our smaller seaports as they work to balance security concerns and evolving threats with port business operations and the need to move freight.

So my question for you, Mr. Secretary, is can you describe your vision for how we can better support smaller seaports and ensure equitable distribution of resources as well as the role that they can play in alleviating congestion at our larger coastal ports?

As someone who is intimately familiar with the Great Lakes Region, I'd love to have your thoughts.

Secretary BUTTIGIEG. Well, thank you. This is a very important dimension of how we can address our supply chain challenges and move goods in ways that are more environmentally responsible for the long run, too.

As you know, the bipartisan infrastructure law authorized a major step up in the Port Infrastructure Development Program, \$684 million being made available this year if you combine the supplemental funding with what Congress enacted, and so we recognize the importance of supporting our ports and while most of the headlines and the public imagination might center on our largest container ports on the East and West Coast, our Great Lakes ports, and I might add our river ports, play a very important role.

For example, with PIDP, recently we were able to support an investment in Marquette, Michigan, I think another one in Alpena, which might seem small relative to what you might see in L.A. or Long Beach, but are no less important for that regional economy and those investments add up.

So you have my commitment that with PIDP we will be paying attention to the potential of smaller inland and freshwater ports as well as our large coastal ports.

Senator PETERS. Well, it's good to hear, and in fact this weekend I'll be in Traverse City at a graduation ceremony for our Great Lakes Maritime Academy there—

Secretary BUTTIGIEG. Wonderful.



Senator PETERS.—which will be graduating mariners that are on the Great Lakes freighters and I know you see those freighters, as well, move tremendous amount of cargo. There's tremendous opportunities for us to continue to grow that industry within the Great Lakes and appreciate your support for us and for doing that.

Secretary BUTTIGIEG. Thank you.

Senator PETERS. Thank you for your answers.

Senator Fischer, you are recognized for your questions.

**STATEMENT OF HON. DEB FISCHER,  
U.S. SENATOR FROM NEBRASKA**

Senator FISCHER. Thank you, Senator Peters.

Good morning, Mr. Secretary.

Secretary BUTTIGIEG. Good morning.

Senator FISCHER. It's nice to see you. Mr. Secretary, in March, Sky West filed a 90-day notice of its intent to terminate service at 29 essential air service communities. Nebraska has three communities served by Sky West: Carney, North Platte, and Scotts Bluff.

I'm concerned about this development because essential air service is critical for these rural communities. Last week, I sent a letter requesting the DOT continue issuing a hold in order for these Nebraska airports requiring Sky West to perform the minimum service required by statute.

Will you commit to continue issuing hold in orders to Sky West and ensure their contractual obligations are upheld in providing service to these rural communities?

Secretary BUTTIGIEG. Well, thank you for the question. We recognize how important EAS is and share your concern about this announcement by Sky West.

As you know, the DOT has acted to order them to continue service and while we'll prepare a formal response to your letter, I can tell you that we envision extensions in order to make sure that the public is served.

Senator FISCHER. Thank you. I hope that you'll work with my office so that we can preserve the Essential Air Service Program that ensures that smaller communities across my state and across this country can access larger aviation networks.

Mr. Secretary, I found recent comments from political appointees within the Administration to be extremely worrisome when it comes to decisionmaking that is traditionally left up to our states.

For example, internal guidance about the December 16th FHWA memo directed staff on how to implement not only discretionary grants but also formula funding and the NEPA process.

These actions do not align with the bipartisan intent of the law, a law that I supported. It appears that this Administration intends to have a heavy-handed and really an adversarial approach with the state DOTs in the implementation of the Highway Program. This is a stark departure for the FHWA's relationship with state DOTs historically.

Mr. Secretary, do you feel the Administration is trying to strong-arm state DOTs and local partners in the implementation of the law in order to advance the climate change goals that didn't make it into that bipartisan bill?

Secretary BUTTIGIEG. Senator, I would say we very much value our working partnership with state departments of transportation and we recognize that there are different conditions and needs in different states.

We view the guidance as stating common sense priorities that are important to us as an Administration and a department, but also take care to make sure that any guidance that goes out internally or externally is compatible with the law as written and certainly nothing, for example, in this guidance would preclude any lawful use of funds from taking place, and if there's ever any indication that comes to you of a project that is otherwise lawful, that runs into trouble, I would certainly welcome a chance to speak with you about it.

Senator FISCHER. OK. I will hold that to you, sir, that we have that conversation because I know it's not just my state department but it is many others across this country that are concerned about the direction they see this going.

In your view, what is the FHWA administrator's role in working with transportation partners that have really boots on the ground and are charged with turning dirt to complete these projects?

Ultimately, the success of this program, it really depends on the local and the state partners to get the job done. It is not Federal bureaucrats that are going to be doing this.

Secretary BUTTIGIEG. Well, again, we view this as a partnership. Of course, we have a responsibility to make sure that the states spend the funds in ways that are compliant with Federal law, but ultimately the bulk of the dollars are directed and deployed by those state leaders and Federal Highway has a presence on the ground in every state, as you know, which allows us to have an especially tight working relationship.

What I've found is the different states are at different levels of, I would say, energy when it comes to pursuing some of the goals that are of interest federally and have different priorities based on conditions on the ground.

What I think is going to be most important is to ensure that these dollars are used in a way that maximizes the value for the taxpayer and we recognize that that may mean different things in different contexts, but we'll, of course, be responsible for ensuring that any use is compliant with the law.

Senator FISCHER. I appreciate that because every state is different. Every state has funded different infrastructure projects within their state differently, as well, and to be able to have a state set priorities without the Federal Government coming in or without federally elected Senators and representatives picking projects that they think should be priorities, I think you have to look at how states set those priorities, how they determine what those priorities are, based on the plans that they have worked on forever, and the goals that they set forth in their 5-year plans, their 10-year plans in meeting the growth that they see in various parts of their state. That's extremely important to be able to have those decisions made at the state and local levels, don't you agree?

Secretary BUTTIGIEG. Well, I agree, and I think it's in the context of a dialogue where, you know, Washington is never going to know all of the details of local context.

On the other hand, we may have access to best practices or important things to consider and we value that exchange where we provide whatever knowledge, insight, and resources we can and the states, of course, are on the ground actually implementing the formula dollars.

Senator FISCHER. OK. Thank you. I appreciate your openness to have a conversation. You have been that way in the past and I look forward to future conversations with you. Thank you.

Secretary BUTTIGIEG. Thank you.

Senator PETERS. Thank you, Senator Fischer.

Senator Rosen, you are recognized for your questions.

**STATEMENT OF HON. JACKY ROSEN,  
U.S. SENATOR FROM NEVADA**

Senator ROSEN. Thank you, Chair Peters, and appreciate you being here, Mr. Secretary.

I'm just going to get right to it because I want to talk travel and tourism, something that's important to every single state in this country and more than 2 years into the pandemic international tourism and business travel to Las Vegas remain below 2019 levels, and our travel and tourism industry, well, it continues to face challenges.

The Infrastructure Investment and Jobs Act included my bipartisan bill with Ranking Member Wicker, the Tourism Act, which requires the Department of Transportation to update the National Travel and Tourism Infrastructure Strategic Plan and develop an immediate and long-term strategy for using infrastructure investments to revive the travel and tourism economy, of course, in the wake of the pandemic.

So, Mr. Secretary, the law we passed requires these updates to be made and these strategies to be developed 180 days after enactment which gives the department, well, until May 14.

Given this impending deadline, can you provide the Committee an update today on the status of the National Travel and Tourism Infrastructure Strategic Plan?

Secretary BUTTIGIEG. Well, thank you. We know how important travel and tourism is to every economy, certainly to the economy of Nevada, and as you know, there was a lot of attention to this in the bipartisan infrastructure law.

Previously under the FAST Act, there was a National Advisory Committee on Travel and Tourism Infrastructure that DOT supported. That didn't get dedicated funding but there are additional requirements now that are in the bill that includes updating the Strategic Plan which needs to include elements related to COVID-19 recovery.

Also a study of how our own department evaluates travel and tourism needs in considering applications for grants that are coming in for our programs and establishing a chief travel and tourism officer for our department to carry out the Strategic Plan and other related matters. I can tell you we are working on all of these pieces.

Right now we're participating in the Tourism Policy Council that's led by the Commerce Department. They are developing the National Travel and Tourism Strategy. We want to make sure that

that's completed in order for us to integrate that into our own Travel and Tourism Strategic Plan and, of course, our goal is to do so as promptly as possible.

Senator ROSEN. Well, thank you. I appreciate that. Like I said, I believe that travel and tourism are probably in the top economic drivers for every state in this country. So it's a really important bipartisan issue.

I also want to talk about electric vehicle charging stations in the West because in the Infrastructure Investment and Jobs Act, we authorized the National Electric Vehicle Infrastructure Formula Program. It provides funding to states to strategically deploy electric vehicle charging infrastructures.

Well, the DOT's guidance for the program suggested that states designated alternative fuel corridors for EVs will not be considered fully built out, a designation either for states to even be able to take full advantage of available funding until EV charging that infrastructure is installed every 50 miles along a state's portion of the interstate highway system.

Well, I just wanted to tell you the 50-mile criteria could be challenging for Nevada. Many of our Western neighbors to me, for example, on Interstate 80 in some of the most rural areas, there are seven charging infrastructure gaps of more than 50 miles and so, Secretary Buttigieg, how does DOT plan to provide Western states some flexibility in these vast areas, rural, mountainous, frontier areas, given the challenges with geography and power resources in our rural communities?

Secretary BUTTIGIEG. Well, certainly, Senator, I understand that I-80 in Nevada looks very different than I-80 as it passes through South Bend, Indiana, and we're trying to ensure that our practices reflect an understanding of that difference.

Of course, the intent of the National Electric Vehicle Investment Program is to address range anxiety by ensuring that whenever you go on a road trip you know that there would be access to reliable and excellent EV charging stations and, you know, we need to make sure that that's available even in remote regions.

But I will say that the program allows states to submit requests for exceptions based on conditions that could be justified by reasoned justification provided by the state.

Each of those will be reviewed on a case-by-case basis and I don't want to prejudge how those will be viewed, but certainly any state that feels it has a merit for an exception request we'd encourage that to be submitted and considered.

Senator ROSEN. Thank you. I appreciate that because, like I said, the Mountain West is going to have definite differences than that of Indiana for sure.

The last thing I—well, the last question I will ask, if I could submit that for the record, is about autonomous vehicles and the challenges and opportunities we have about employing artificial intelligence and machine learning.

I'll take those off the record. We're in the middle of a vote. I'm taking over the Chair temporarily while others are voting. So I will take this time to thank you and recognize Senator Young.

**STATEMENT OF HON. TODD YOUNG,  
U.S. SENATOR FROM INDIANA**

Senator YOUNG. Thank you, Madam Chair. Welcome, Mr. Secretary. Good to have you before the Committee.

In your testimony you discuss the “crisis of deaths” on America’s roadways and the urgent need to address this major safety concern and I couldn’t agree more.

One significant way to tackle this crisis in the short, medium, and long term is to support the development and deployment of automated vehicles. AVs have the potential to increase safety, reduce traffic, and benefit the disabled, blind, elderly, and others.

The United States has long been at the forefront of automated vehicle innovation. However, as we approach a critical point in the evolution of the technology and companies need opportunities to safely scale, testing, and deployment, other nations are creating opportunities that don’t exist here in the U.S. For example, Singapore has dedicated over 620 square miles of road testing for AV testing.

Secretary Buttigieg, are automated vehicles a priority of the Department of Transportation and this Administration and, if so, do you support passage of a national AV framework?

Secretary BUTTIGIEG. They are a priority for us, partly for the reason you cited. We’re in the middle of a crisis of roadway deaths and one of the many promises that exists or areas of promise that exists with AVs is an opportunity to fundamentally change the safety outcomes on our roadways.

We’re doing what we can with the authorities and flexibilities that we have, but we lack a fully established legislative framework for that and we would welcome one that would clarify authorities and, in particular, I would mention a division of labor that unofficially exists between my department and the states which doesn’t really contemplate automated vehicles and that’s that we tend to regulate or assure the safety of the design of the vehicle and the state DMVs are concerned with the driver.

That framework makes sense until you have a scenario where the vehicle is the driver. I don’t know how we can address some of those issues without the involvement of Congress.

Senator YOUNG. Thank you for that. What is DOT doing to support, you know, creation of pathways for the safe expansion of testing and deployment of automated vehicles in the U.S.?

Secretary BUTTIGIEG. So one thing we’re doing is we’re using the statutory authority that NHTSA does have to allow deployments of vehicles that are exempt from the vehicle safety standards.

To give you a few examples of how this might come into play, a vehicle state safety standard right now might prescribe where a mirror has to go in a vehicle that doesn’t have a driver. The same thing around the steering wheel, et cetera.

There’s a limit to how many exemptions can be authorized. We can offer up to 2,500 per year for 2 years, so effectively 5,000 per applicant. So far we’ve granted one exemption, but we have more exemptions that have been requested and are working promptly to address those because we do want to see the kind of research, development, and testing continue and, of course, we want to see the AV future made in America.

Senator YOUNG. Thank you, Secretary. The department's currently relying on a Standing General Order to collect specific safety-related data on driver-assist technologies and automated driving systems being tested on U.S. roads.

What is the goal of this Standing General Order and why is the department relying on this Standing General Order approach as opposed to something like a pilot program or streamlined and expanded exemptions which would, I would think, provide the department with much more robust data needed to inform future regulations as well as other policy priorities related to AVs?

Secretary BUTTIGIEG. So the Standing General Order is intended to help us to assess the safety of automated vehicles and also position our department to take action if an automated vehicle or an advanced driver assistance system vehicle poses an unreasonable risk to safety, and by doing that, by requiring operators and manufacturers of AVs and of ADAS systems to report crashes.

In the case of automated systems, that's all crashes. In the case of driver assistance systems, it's serious crashes. We think it allows us to gather that information and take action where needed.

The most recent or certainly one example would be the Pony AI ADS recall which took place in March of this year. That happened because of information that we had visibility on through that Standing General Order and the reporting that it mandated.

Again, this is something that could no doubt be refined through updated congressional authorities, but it's an effort to make sure with the authorities that we do have that we're not missing visibility on anything that could pose a risk.

Senator YOUNG. So would the Administration be open to specific directive that gave the department, you know, the authority to stand up a pilot program which in turn, I would hope, would lead to more robust data collection about AVs?

Secretary BUTTIGIEG. We'd certainly be interested in working with you to frame something like that.

Senator YOUNG. OK. Thank you, Mr. Secretary.

Secretary BUTTIGIEG. Thank you.

Senator ROSEN. Senator Baldwin.

**STATEMENT OF HON. TAMMY BALDWIN,  
U.S. SENATOR FROM WISCONSIN**

Senator BALDWIN. Thank you.

Good morning. It is good to see you, and a few weeks ago I know you were in the state of Wisconsin visiting Coloma and highlighting rural investments from the bipartisan infrastructure law and our ongoing work to support the engineering and road-building workforce.

I'm also really pleased to know that you were able to spend the day with high schoolers who were eager to learn about careers in the construction trades. So it's marvelous.

When you came before us back in January 2021, I asked you about Buy America waivers for manufactured goods. This waiver has been in place for over 40 years and that's despite the clear intention of Congress to require that Federal dollars only buy American-made manufactured goods.

As you know, I pushed to include strong Buy America requirements in the bipartisan infrastructure law and this gave agencies 6 months to put procedures in place for full implementation by May 14th. However, last week the department announced that it intends to seek a waiver of Buy America requirements to purchase American-made construction materials for 180 days.

Given the history with perpetual waivers at DOT, I'm concerned by this waiver and would like your assurance that DOT intends to fulfill its Buy America requirements promptly and fully?

Secretary BUTTIGIEG. So we are committed to delivering on the intent of the Buy America provisions in the law. We recognize how important it is to the country and certainly to states like Wisconsin and to areas like my industrial Midwestern hometown.

On April 28, we posted for public comment the Proposed Temporary Public Interest Waiver to provide recipients of DOT funding and their vendors what's intended to be a reasonable adjustment period and that is open for comment through May 13.

But let me just back up and state philosophically we view waivers not as an alternative to increasing domestic production but only as a tool for allowing us to get on the right path. We certainly don't envision them as perpetual.

We recognize that capacity has to be built and so in order to deliver on these projects, some early flexibility may be needed, but we also recognize how important it is to balance that with serious requirements and clear demand signals that as soon as that capacity can be stood up domestically it needs to be used rather than foreign sources.

Senator BALDWIN. Thank you. The bipartisan infrastructure law also contains historic investments in our Nation's roads and bridges and it allows us to ensure that those investments support infrastructure that is better able to withstand extreme weather and the effects of climate change.

Secretary, the new law incorporates bipartisan legislation that I introduced called "The Rebuilding Stronger Infrastructure Act" which will enable states to use emergency highway funding to rebuild infrastructure that is more resilient, that can withstand the next flood, the next storm.

Can you provide me with the status of implementation of that provision?

Secretary BUTTIGIEG. So the law, as you mentioned, requires several updates to the Emergency Relief Program, including one to include resilience in the ER Manual.

I can tell you that there's a comprehensive update underway with Federal Highway to the manual which will include these requirements. It's a big undertaking but we are hard at work on delivering that, and as you indicated, there's an increasing need to recognize when these funds go out that it makes little sense to have the asset be equally vulnerable after the spending as it was before only to have the potential further damage take place.

So we recognize the importance of this provision in the law and we're working as promptly as we can to deliver on it.

Senator BALDWIN. That's good. I'd also like to give you the opportunity to highlight the investments that are included in your Fiscal

Year 2023 Budget Request that also support stronger, more resilient infrastructure.

Secretary BUTTIGIEG. Yes, thank you. There are \$7.3 billion in formula funding under Protect and 1.4 in competitive grants over 5 years for this and our budget request reflects our desire to get those dollars moving.

We need to support communities that already know often where the greatest resiliency needs are but haven't had dedicated funding to help them address that and we're looking forward to working with project sponsors and with state, local, and tribal transportation authorities to get these dollars aligned in the right way to make that transportation infrastructure resilient for the future.

Senator BALDWIN. Thank you. No one saw it, but the gavel magically moved to me and so I would like to now recognize Senator Scott for your questions.

**STATEMENT OF HON. RICK SCOTT,  
U.S. SENATOR FROM FLORIDA**

Senator SCOTT. Thank you. First, I want to thank Chair Cantwell for hosting this important hearing.

Secretary, I've been calling on you to testify for more than 6 months to understand exactly what you've been doing with regard to inflation and the supply chain crisis.

But first let's talk about 16 months ago, in January 2021 you were open to increasing the gas tax when you testified. Now we've seen this unbelievable increase in gas prices.

So can you tell me where you are on increasing the gas tax?

Secretary BUTTIGIEG. So as you know, there are a number of proposals in Congress on gas tax holiday provisions. I think that all options need to be on the table when it comes to relief.

We also have—

Senator SCOTT. That doesn't answer my question. So you're consistent that you still are open to raising the gas tax?

Secretary BUTTIGIEG. No, we are not open to raising the gas tax right now. We are open to provisions to provide relief which is being discussed here in Congress.

Senator SCOTT. OK.

Secretary BUTTIGIEG. Thank you for the chance to clarify that.

Senator SCOTT. Next, since you were here last time, inflation has gone from 1.4 percent to 8.5 percent. The Biden Administration has called this "rage inflation crisis" and huge increases in prices a "high-class problem."

So do you believe this 8.5 percent inflation is a high-class problem?

Secretary BUTTIGIEG. Sir, which Biden Administration member used those words?

Senator SCOTT. I think it was Psaki who said it was a high-class problem.

Secretary BUTTIGIEG. So we view it as a problem and that's why we're doing everything we can to cut costs for American consumers.

Now when it comes to gas, obviously an oil company doesn't check with the Administration on how much to charge for the price of gas, but that's exactly why we feel—



Senator SCOTT. So you believe that the oil and gas companies are the problem here, not the Biden Administration shutting down the pipeline, making it difficult for more oil and gas to be produced in this country?

Secretary BUTTIGIEG. Well, as you know, there are thousands of permits right now for oil and gas production that the oil and gas companies are choosing not to use.

Senator SCOTT. The leases are there, not the permits are there. Your Administration has prevented people from getting the permits to drill for more oil and gas. We're seeing record prices.

Secretary BUTTIGIEG. I'm sure you're aware, Senator, of the statements from oil company executives that they're not pursuing production at this time because they're so profitable.

Senator SCOTT. No, that's not true. Next,——

Secretary BUTTIGIEG. That statement is——

Senator SCOTT.—let me ask you another question. Secretary Raimondo was here last week and she said that, when I asked her—first off, do you take any responsibility for the inflation crisis we're having in the country?

Secretary BUTTIGIEG. We take responsibility for doing everything we can to ease shipping costs which are one of the things in my view that contribute to inflation.

Senator SCOTT. Secretary Raimondo said that it was the Federal Reserve's problem. Inflation was the Federal Reserve's problem. So do you agree with her that the Biden Administration's not responsible, has nothing to do with focus on tax increases, making it more difficult to get permits, this unbelievable regulatory environment that's causing inflation? Do you believe it's all the Federal Reserve?

Secretary BUTTIGIEG. Well, we certainly oppose tax increases, especially for the poor, but what I would also say is that in the balance between monetary and fiscal policy, both of those can have an effect on inflation. It's one of the reasons why we're acting to reduce the things in the shipping sector, the part that we view as most under the area of responsibility of the Department of Transportation knowing that that can contribute to high prices, right.

You look at the spot rates, whether we're talking about land side trucking or whether we're talking about ocean shipping, and those are unquestionably part of the source of pressure on prices.

Senator SCOTT. So you saw the GDP numbers. We had negative GDP for the first quarter, 1.4 percent down. So do you believe we have a rolling economy as Secretary Raimondo said?

Secretary BUTTIGIEG. Well, if you look at the period of the Biden Administration so far, obviously there has been exceptionally high rates of economic growth and exceptionally high rates of a drop in unemployment. We think that's due to the fiscal policies of this Administration. We know it's going to take a lot of work to keep that going.

Senator SCOTT. 1.4 percent drop in GDP is pretty significant.

You saw the crisis out in the ports in California and what I was surprised is—you've seen the pictures—that you only went out there one time, and why would you not have gone out there more when it was one of the biggest crises we've ever had in shipping in this country?

Secretary BUTTIGIEG. Well, one thing that we did was take advantage of opportunities to convene players from around the country virtually. I think I've met in person with the—I mean physically as well as virtually with the directors of those ports something like half a dozen times, but I would also add that when you see those ships backed up in L.A. and Long Beach, for example, part of that has to do with what's going on at the port but a lot of that could be the result of issues that are thousands of miles inland.

So it is just as important to be dealing with intermodal issues in the Midwest, the crisis or certainly problem of availability of labor for truck driving, as it is the things that are actually physically located at the port, and we're proud of the investments that we've made in ports on the West Coast and around the country.

Senator SCOTT. Let me ask you one last question. So you've seen in the last—since President Biden got elected, you've seen gas prices way up, inflation up, supply chain crises. You ran for president. You worked hard to become president. What would you have done differently—

Secretary BUTTIGIEG. Done differently from?

Senator SCOTT.—than the Biden Administration has done?

Secretary BUTTIGIEG. Well, I'm sure hindsight will point to all kinds of things that we could refine, but what we're doing right now I believe is going to make the biggest difference.

Now, of course, if we could persuade more of your colleagues to ease some of the other sources of pressure on families facing inflation, from insulin costs to the cost of childcare, we think that might take the edge off some of the dynamics of global petroleum markets, but faced with the tools that we have, we're proud of the work that we've done to cut the backlog of containers, to cut other things that are gumming up our supply chains. You have my commitment that we'll continue that work.

Senator SCOTT. Thank you.

Senator BALDWIN. Next, I recognize Senator Luján for his questions.

**STATEMENT OF HON. BEN RAY LUJÁN,  
U.S. SENATOR FROM NEW MEXICO**

Senator LUJÁN. Thank you so much, Chair Baldwin.

Secretary Buttigieg, good to see you again, and I want to begin by thanking you for working with us. Senator Scott and I worked to pass the HALT Act, Honoring Abbas Family Legacy to Terminate Drunk Driving Act as part of the bipartisan infrastructure law.

The law requires, as you know, all new passenger cars to include impaired driving technology to end drunk driving once and for all, and now it's up to the Department of Transportation and NHTSA to implement this statute.

One concern I do have, Mr. Secretary, though, is the National Roadway Safety Strategy you released in January of this year said that you would “initiate a rulemaking” for other safety standards, but when the report discussed the HALT and RIDE Act, the document said, “Consider a rulemaking effort.”

I am concerned that your office is holding the requirement as a lesser standard and using “consider” when talking about the RIDE and HALT Act.

Mr. Secretary, are you aware that Section 24.220 of the IIJA requires you to issue a final rule within 3 years to require passenger motor vehicles to be equipped with advanced impaired driving prevention technology?

Secretary BUTTIGIEG. Thank you. Yes, and we are committed to implementing Section 24.220.

Senator LUJÁN. Mr. Secretary, the statute requires you to establish this rule, not consider it. Why then did the National Safety Strategy say and use the word “consider?”

Secretary BUTTIGIEG. I’ll investigate the alignment of that language. What I know is that the final rule has to establish a Federal motor vehicle safety standard that would also have to meet all the requirements that go into any FMVSS.

I know that it will take a lot to ensure that the timelines can work, but what I can commit to you now, pending my double-checking on the alignment of that language, is our desire to make sure that that happens as promptly as we responsibly can do.

Senator LUJÁN. I appreciate your commitment there, Mr. Secretary.

Based on what I’ve been learning here is that OMB had something to say about this, and I hope that the OMB folks are listening in to this hearing and I’ll be calling them soon to find out what’s going on.

From the beginning we were warned that many of the auto manufacturers are going to do everything they can to delay and kill this, not my words, theirs, and so I know I’ll be here for the next 3 years and I’m going to be on this.

As you know, I’m a survivor of a head-on drunk driving crash myself and the families that I’ve met and I know that you’ve met, they need this done, we need this done. We’re losing too many Americans on the roads every year and so we have to get it done. So I appreciate that and look forward to working with you and your team for that implementation.

Hot air balloon regulations. We had a chance to chat on the streets during a short walk, but hot air ballooning in New Mexico is an important tradition and thriving industry.

Last year the Federal Aviation Administration began implementing regulations that were impossible for hot air balloon operators to follow. I want to thank you and your team for their responsiveness for fixing it for this year’s hot air balloon festival in New Mexico.

We know that much more must be done before the next and with upcoming rulemakings, after outreach by myself and Senator Heinrich, Representative Stansberry, the department granted that 1-year waiver for this rule.

So one of the questions that I have is, has the FAA continues to work on implementation of this rule and others, do I have your commitment to provide proactive communication and engagement with balloonists regarding rules or regulations that impact the industry?

Secretary BUTTIGIEG. Yes, the FAA will make sure to be in touch with the Albuquerque balloon community and the balloon community writ large. We know how important this is not just recreationally but economically in many places, including New Mexico.

Senator LUJÁN. I appreciate that, sir, and I know your travels and responsibilities are taking you in many areas, and I want to thank you for being as responsive as you've been across America.

If time allows, I would sure like to invite you to come on out to New Mexico again and to visit with those balloonists and to chat with them maybe directly, but we'll see if we can get some time and, God willing, we'll get you to New Mexico soon.

Secretary BUTTIGIEG. It would be a pleasure.

Senator LUJÁN. Appreciate that, and, Madam Chair, I do have another question on tribal access and infrastructure funds.

It has been my experience in the past, based on other infrastructure projects in previous years, that there has been not a strong environment to support investment in tribal communities, meaning that once one Federal agency declares an emergency or accesses funds, it's hard to get an easement approved by the BIA or others and sometimes those projects which should take a few years wind up taking a decade or more.

I'm fearful what that would mean with the bipartisan infrastructure bill. So that's the series of questions that I have for the Secretary. I'll submit them into the question, but I'm hoping that we can find a way to find an expedited approval process bringing Federal agencies together, getting those approvals done as quickly as possible rather than one being done and then it sets the clock for the next one so that in tribal areas and these indigenous sovereign nations across America they are not left out when it comes to infrastructure.

So I appreciate that and I'll get them to the record, Madam Chair. Thank you.

The CHAIR. Thank you, Senator Luján. Thank you for that important point about government-to-government relationship.

Senator Capito.

**STATEMENT OF HON. SHELLEY MOORE CAPITO,  
U.S. SENATOR FROM WEST VIRGINIA**

Senator CAPITO. Thank you, Madam Chair.

Welcome, Mr. Cabinet Secretary. Good to see you again. I have a couple quick questions obviously.

First, I'd like to comment on Taxiway A Relocation Project at West Virginia International Yeager Airport, which is my airport where I fly in and out of. Yeager does not meet the FAA's modern design standards because its taxiway, Taxiway A, is too close to the airport's sole runway.

So we have a relocation project which would create this issue and I support the FAA allowing the project to proceed as a Category Exclusion. This issue is before the FAA, but I wanted to put it on your radar screen, and you don't need to comment on it, unless you want to, but I wanted to also call to your attention the FAA Contract Tower Program. This is really important for our aviation safety.

We have four airports in the state of West Virginia and also Congress created the Competitive Grant Program which allocates \$20 million annually for 5 years.

Will you and your team work with us to ensure that the Contract Tower Program continues to play a key role in our Nation's aviation systems?

Secretary BUTTIGIEG. Yes, we know how important this is, especially in smaller and rural communities, and will welcome the chance to continue to work with you on contract towers.

Senator CAPITO. Thank you. The interagency dispute over spectrum policy with the FAA and aviation and 5G, Secretary Raimondo was before the Committee said that there had been a resolution working with the Spectrum Coordination Initiative at the DOC.

How are we going to avoid these kinds of conflicts in the future? This one went on for awhile before it kind of reared its head. How do you see this in the future? Is there an interagency group working on this so we can avoid these issues?

Secretary BUTTIGIEG. Yes, there have been a lot of discussions in the interagency about how to get ahead of this because we know there will be more spectrum overlap and conflict issues and it's important for them to be addressed before any kind of deployment is looming and as you know, the issue with aviation that happened early this year and that we're still working through was partly the consequence of regulators not all being on the same page before something went forward and so—

Senator CAPITO. Regulator being the FCC and the FAA?

Secretary BUTTIGIEG. And you could view Commerce and the NTIA as having been part of that churn, as well.

Senator CAPITO. Part of that.

Secretary BUTTIGIEG. So I know that the new leader of NTIA and Secretary of Commerce are committed to working with that. I've had dialogue with them. I know the White House also is encouraging all of the different players, FAA, FCC, NTIA, I would add DoD in some cases, are at the table so that we can have the smoothest possible process for dealing with these issues as they come up in the future.

Senator CAPITO. Right. I mean, we don't want to lose our expansion of 5G. We already know we're sort of a little behind on some of that. So resolutions of those kinds of conflicts on the front end are certainly going to save time and money and move us along.

Let me ask you about the workforce issues we just had. Spirit Airlines has a seasonal flight out of the Charleston Airport that goes from Yeager Airport to Myrtle Beach every summer, very popular. They canceled that flight for the summer stating that they didn't have the workforce and I'm assuming it's the pilots, but I don't know that that's the only part of the workforce that's having the great challenge.

What are we going to do about this? I mean, this is system-wide. Sky West, I know Senator Fischer mentioned that as another one that impacts our Clarksburg Airport. How are you working at the department to meet this challenge?

Secretary BUTTIGIEG. Yes, thank you. This is a national issue. It's affecting the whole domestic aviation industry but disproportional.

tionately affecting smaller regional carriers and what we're seeing is that even major carriers have cut schedules on regional routes largely because the larger carriers tend to offer the better salaries and can attract these pilots.

Safety, of course, is such an important part of aviation. It leads to the necessity of very rigorous standards and requirements, but that doesn't mean we can't act to boost pilot recruitment and retention.

I want to recognize that a lot of aviation industry players have been at the forefront of this taking steps to expand the training and the recruitment of pilots. We have some tools that we can use, as well, and the FAA will shortly be releasing a Notice of Funding Opportunity for the Aircraft Pilots Workforce Development Grants Program which is one example of the step we can take with Federal funding to help boost that pipeline.

There won't be a quick fix but we've got to work on shoring up that domestic aviation work force.

Senator CAPITO. Do we have enough pilots trained or is it a situation where we don't have enough at the very beginning that can transition into commercial airlines?

Secretary BUTTIGIEG. Yes. I'd say we were already on track for a shortage, but then with the pandemic you had early retirement programs that were voluntary departures that were aimed at reducing the long-term costs that thinned out airline staff that have compounded that issue.

Senator CAPITO. Mm-hmm. Well, we have the development of an aviation school in West Virginia right now through Marshall University and we have one at Fairmont and I understand Shepherd's going to get into that space, as well. So we're doing what we hope we can do to help us fill those workforce issues.

We also have it on the maintenance side, too, because that's just as important and there's projected to be hundreds of thousands of jobs in that space in the future.

Thank you.

The CHAIR. Thank you, Senator Capito.

Senator Blumenthal, if you're ready. If not, we'll allow our colleague. Would you like to go now? Senator Blumenthal.

**STATEMENT OF HON. RICHARD BLUMENTHAL,  
U.S. SENATOR FROM CONNECTICUT**

Senator BLUMENTHAL. Thank you so much for your service and thank you for the good work that you're doing at the Department of Transportation.

I apologize that I wasn't here earlier. So I'm going to try to avoid replicating questions already asked.

Last Saturday, as you may know, May 1, was National Heat Stroke Prevention Day and I want to commend NHTSA for its Look Before You Lock Campaign again this year. We know in Connecticut this kind of tragedy can happen any time. That's why I have worked hard on provisions in the Hot Cars Act which passed into law in the Infrastructure Investment and Jobs Act.

Very specifically, the law directs your department to issue a rule requiring automakers to implement rear seat alerts in their vehicles. In my view, that language fails to go far enough. What we

need is a requirement that there be detection, not just alerts but detections in the backseats of cars. It's not an abstract or hypothetical issue.

Just last week I heard the heartbreaking story of a family who lost their child in a car that was equipped with rear seat alerts. In other words, the car would be compliant with the Infrastructure and Jobs Act requirements but this tragedy still occurred because the child was in the backseat and there was no detection system.

This kind of technology is easy to implement. It would cost pennies if it's done on the mass scale. It's already been implemented by many manufacturers, at least by some.

So with apologies for this long-winded introduction, could you update us as to the status of the rulemaking requiring backseat alerts and your view about the possibility of requiring backseat detection systems?

Secretary BUTTIGIEG. Thank you. We recognize the importance of this since comprehensive data collection began in 1998. I believe 800 children have died of heat injuries after being trapped in a hot car and this provision in the bipartisan infrastructure law we think will help.

We want to make sure that we do everything we can to save lives. So NHTSA is hard at work on the rulemaking. We're aware of the interest from the safety community and other measures that could go further than the alert system and we'll make sure to take all input onboard during that rulemaking process.

Senator BLUMENTHAL. Thank you. Another issue close to our hearts in Connecticut and I should just tell you about the family of Cory Iodice. On April 20, 2020, Cory stopped to assist a driver whose vehicle was disabled and never made it home. Cory was just doing his job working for his family's business when he was killed by a driver who didn't slow down or move over. His death could have been avoided.

Connecticut, like other states, has a "Move Over" law that directs motorists to slow down and move over for stopped, emergency, and maintenance vehicles. These laws are critically important to safety of our travelers and equally important to people who assist them.

I understand that obviously each state has its own laws. NHTSA partners with law enforcement authorities to help raise awareness of "Slow Down, Move Over" laws.

Can NHTSA play a more assertive or aggressive role in either providing incentives or imposing requirements or raising and elevating this issue so that more people are aware of it?

Secretary BUTTIGIEG. I'll have to investigate how NHTSA's authorities might overlap with or align with Move Over laws. I'm certainly aware of them and in the context of the National Roadway Safety Strategy we want to make sure that we're contemplating those effects and meeting any responsibilities that we have in that direction.

Senator BLUMENTHAL. Thank you. My time has expired, Madam Chairman. Thank you.

The CHAIR. Thank you.  
Senator Lummis.

**STATEMENT OF HON. CYNTHIA LUMMIS,  
U.S. SENATOR FROM WYOMING**

Senator LUMMIS. Thank you, Madam Chairman, and welcome, Mr. Secretary. It's nice to see you again.

I know that Senator Fischer, Senator Capito, Senator Luján have already raised this issue, but I'm going to raise it again because it makes you aware of just how significant it is in our states and that is retention of commercial air service in our small communities.

The largest regional airline in North America, Sky West recently it would be withdrawing from 29 markets due to a lack of pilots, and, of course, what's not so surprising about this is that the most pull-outs occur from some of the smallest markets in the country.

Wyoming dodged a bullet on this one this time, but it's only a matter of time because our communities are small and they're far apart. So that economics are difficult for airlines.

So knowing those challenges and recognizing that in the West, especially the Rocky Mountain West, which is more sparsely populated, that these are tough issues.

What are you noodling about on this within the department?

Secretary BUTTIGIEG. So we certainly recognize the importance of the EAS for so many communities. Let me mention two pieces that we're working on that touch on this.

One is, as mentioned earlier that Senator Capito, is that question of a pilot shortage and so making sure that we ensure a strong pipeline and that, you know, support an aviation sector that is competitive in retaining as well as cultivating talent is going to be important if we're to prevent further cases where pilot shortage is cited as happened in the case of Sky West as a rationale for withdrawing from the EAS.

The second, though, is our direct authority to intervene in cases like this and that's what we're using in the case of Sky West. So proposals for replacement service are due next week on the 11th of May and in the meantime we have that holding action.

And then the third thing, of course, is just continued support in the form of funding for EAS to make sure that it's able to robustly support the needs of communities where it is an economic lifeline in many cases and, of course, we see that in particular in smaller and rural communities.

Senator LUMMIS. And on the essential air service side, did you receive adequate funding in the infrastructure bill? Does your current budget provide for adequate funding for EAS?

Secretary BUTTIGIEG. So the budget request does include an increase for the payments to air carriers' account of \$18.7 million. All together in the request, it's a funding level of \$450 million. That's \$368.7 million out of the payments to air carriers' appropriation and then the over-flight fees supplement that. That gets \$81.2 million.

Over-flight fees took a hit because, of course, there was so much reduced air traffic in the past couple of years. Now we see that rebounding. We think that'll be helpful and we do believe the \$450 million request is robust to support EAS.

Senator LUMMIS. Thank you. I want to join with Senator Luján, who earlier invited you to his state. You could hit Wyoming, Colo-



rado, and New Mexico right in a row and get a sense of the unique needs of our states. I know Senator Hickenlooper, who's probably your next questioner, would be delighted to host you, as well.

We'd love to show you the unique needs of our states with regard to a variety of transportation issues because of our large size and population dispersion. Our transportation needs, both in terms of highways and air service, are different from what you're going to see east of the Mississippi. So by all means, let's try to work with your staff to arrange for you to visit and get a sense of how truly different the Rocky Mountain West is when it comes to our special and unique needs and thank you, Mr. Secretary. Look forward to working with you.

Secretary BUTTIGIEG. Thank you, Senator.

The CHAIR. Thank you, Senator Lummis. It sounds like you have a big Western invitation coming at you.

Senator Hickenlooper.

**STATEMENT OF HON. JOHN HICKENLOOPER,  
U.S. SENATOR FROM COLORADO**

Senator HICKENLOOPER. Thank you, Madam Chair.

Secretary Buttigieg, good to see you again, and again thank you for your visit, which I kept getting feedback from people in the small towns where you would stop and speak to the people, the people that work on the roads and help us deal with the landslides and a lot of the issues that we've had to face and I'm sure you've been dealing with all across the country. So thank you for your service.

Let me talk just for a moment about autonomous vehicles. I think they're a great opportunity for innovation. Benefits include safety, job creation, transformation of cities. While I was Governor, we worked hard to ensure that Colorado would be welcoming to autonomous vehicle testing and I think I guess one question I have is, how would DOT ensure American maintains leadership in the autonomous vehicle technology?

Secretary BUTTIGIEG. Well, as your question notes, a great deal is in the hands of the states. We need to make sure there's a healthy state-Federal partnership to support that. Many states have offered themselves up as test beds for some of this technology and our responsibility is simply to make sure that the vehicles are safe.

We've been working to make use of exemptions and flexibilities under current law but would also very much welcome the opportunity to work with Congress on an updated national legislative framework on AVs.

As you know, the Federal regulations tend to pertain to the physical characteristics of the car. State law tends to be enforced around the conduct of the driver and we have an area in terms of the car becoming the driver that's simply not contemplated by this existing division of labor.

Senator HICKENLOOPER. Exactly, and I appreciate that because I think you could play a pivotal role here in trying to actually facilitate and maybe even orchestrate how this process goes forward so that as with the case we talked sometime ago about elevators where they had autonomous elevators back at the end of the 19th

Century and yet they were not fully accepted by the public for 50 years.

Now switching over to rail and reducing emissions from rail, obviously reducing carbon emissions from all manner of transportation has been a top priority. It should remain a top priority for the Department of Transportation.

Passenger and freight rail require, I think, targeted solutions to integrate technology to both increase efficiency and reduce emissions.

So how do you look at DOT's work to improve rail efficiency in connection with our climate goals?

Secretary BUTTIGIEG. Well, as you mentioned, pound for pound, rail can be one of the most—I should say one of the least carbon-intensive ways to move goods. It's also a vital part of our goods movement system at a time when all eyes are on how we can improve the fluidity of our supply chains.

Recently, I testified before the Surface Transportation Board, the first time I'm told in perhaps two decades that a Secretary of Transportation has done so, in order to emphasize the importance that our department places on the responsibilities of the STB and on freight rail and goods movement writ large.

We see a lot of opportunity through enhanced data-sharing, perhaps clarification to common carrier responsibilities, and other measures, some of which we can encourage, some of which are up-test TB, some of which might be deserving of attention to Congress, all of which would add up to more fluid and effective rail service in this country because if there's even an ounce of efficiency to ring out of the system, now is the time to capture it.

Senator HICKENLOOPER. Absolutely. The aviation sector has also made many commitments to get to climate-appropriate goals. Some companies in Colorado are developing aircraft relying on sustainable aviation fuel to reach net zero goals.

How can programs such as FAA's Continuous Lower Energy Emissions and Noise Program, the CLEEN Program, help support these efforts moving toward a cleaner energy for aviation?

Secretary BUTTIGIEG. So within the \$42 million requested in the 2023 budget for the CLEEN Program that you just mentioned, there is \$18 million that is specifically aligned for sustainable aviation fuels. We think that is the most promising near-to-medium-term tool that we have to reduce aviation's climate impact.

We also are partnering with the Departments of Energy and Agriculture in the Sustainable Aviation Fuel Grand Challenge, trying to advance the development and the deployment of high-integrity sustainable aviation fuels.

I should mention I expect this will be a big subject at the September meeting of the International Civil Aeronautics Organization and we want to make sure that America is leading the way toward SAF as it is being discussed in the global context, too.

Senator HICKENLOOPER. Great. Well, thank you so much and keep up the great work, really appreciate it.

Secretary BUTTIGIEG. Thank you.

The CHAIR. Senator Sullivan.

**STATEMENT OF HON. DAN SULLIVAN,  
U.S. SENATOR FROM ALASKA**

Senator SULLIVAN. Thank you, Madam Chair, and, Mr. Secretary, good to see you, and I wanted to compliment your Under Secretary of Policy, Carlos Monje, who recently visited Alaska. He got all around the state and we really appreciate that. I think he came away with a better sense of some of our challenges.

As you're seeing here, Senator Lummis and others are all wanting you to get up to our states. I think the Chair had a good idea. A big swing out West would help you see all the unique challenges.

I'll give you one in my state. We have over 200 communities who are not connected by roads, pretty unique challenge, and we're quite big and, like Wyoming, not very densely populated. So I think it's important for you to see that.

Let me provide another invitation to you, if you can make it, Senator Cantwell and I are going to be hosting a meeting on May 23 dealing with the two DoD Strategic Ports that matter a lot to our states, the Port of Tacoma, the Port of Anchorage. They're connected from a standpoint of economic activity together, but they're also very important to our military, to MARAD, and, unfortunately, they were ranked the lowest in terms of readiness of the 18 DoD strategic ports.

So we're trying to get together with the MARAD Administrator, the Transcom Commander, Under Secretary Monje, and if you can make that, as well, that would be an important meeting with two members, including the Chairman of this committee. So mark your calendar on that one if you can make it. It's going to be important.

The CHAIR. Senator Sullivan, if I could, how much of the product that goes to Alaska is delivered by water?

Senator SULLIVAN. 90 percent.

The CHAIR. 90 percent of what Alaskans consume is delivered by water?

Senator SULLIVAN. Correct, and most of it comes through the great state of Washington. So it's important stuff.

The CHAIR. But the point is if the port infrastructure isn't supported more, the 90 percent of the goods can't be—

Senator SULLIVAN. Correct.

The CHAIR.—easily delivered or delivered at all.

Senator SULLIVAN. Yes.

The CHAIR. Thank you.

Senator SULLIVAN. So big priorities. You and I have talked about it and the Chair and I have been focused on it together. So we want you to try to make that. I won't try to get your commitment now, but if you can take a hard look at your calendar and try and make it, it would be really important.

I also want to just mention, like so many other Senators, essential air service for our state is also really, really important.

Let me talk about another topic that I think hopefully you're concerned about. I certainly am concerned about it. So I was one of the Republicans who voted for the bipartisan infrastructure bill. You know, I'm on the EPW Committee, as well, which wrote a lot of that bill, and one of the things that we were able to get in that bill that we thought was very important was permitting reform and you and I have actually talked about permitting reform.

I think some of the biggest advocates in America for streamlining permitting, not cutting corners but, you know, 10 years to permit a bridge, 20 years to permit a gold mine in Alaska, that happened. It's over 400 jobs at that mine and it's called Kensington Mine.

Our permitting system is broken and so there has been a bipartisan effort, it was in the bipartisan infrastructure, to start addressing that.

A number of us are talking about infrastructure and energy issues. Even yesterday a bipartisan group, we had a discussion last night. NEPA was a really big topic of discussion, I think bipartisan interest.

I know when you and I talked during your confirmation process, mayors and Governors in particular, regardless of political party, are very motivated by this because they see challenges on the front lines when permitting takes 10 years to permit a bridge in America, which is just ridiculous.

Were you consulted on this very recent NEPA regulation that came out of CEQ?

Madam Chair, I'd like to submit an op-ed for the record. This is from the *Wall Street Journal* entitled, "How To Kill American Infrastructure on the Sly: White House Revises NEPA Rules That Will Scuttle New Roads, Bridges, and Oil and Gas Pipelines."

The CHAIR. I think it already was but just—

Senator SULLIVAN. Oh.

The CHAIR.—to make sure, without objection.

Senator SULLIVAN. All right. Well, we'll do it again.

[The information was entered into the record and be found on page 4.]

Senator SULLIVAN. Were you consulted on this because I'm reading through it and I'm really concerned that what we all want to have happen now in terms of implementing the bipartisan infrastructure legislation is literally going to be delayed. I know it's going to be delayed by this new rule.

Were you consulted on this, and do you have a view on it, and are you concerned that it's going to delay the infrastructure projects?

Secretary BUTTIGIEG. So we are at the table in the CEQ processes like this one and value the chance to weigh in. We want to make sure that all laws, including NEPA, are, of course, complied with and we also want to make sure that project delivery is prompt and efficient.

One of the first things that we did coming out of the passage of the bipartisan law was to work on that one Federal decision provision which I think was a 60-day requirement to establish that pathway and information about categorical exclusions which is one of the ways projects can move through NEPA with very little friction.

We certainly recognize where these concerns are coming from. Also, though, believe that with the right level of partnership, transparency, and technical assistance upfront these requirements need not unduly delay projects that are worthy and that are legally compliant.

Senator SULLIVAN. So just real quick, I'm out of time, but just one quick followup, it's not just NEPA compliance. That rule has

to comply with the bipartisan infrastructure bill itself which had a number of important permitting reform provisions, not as many as I would have liked, but it did have some.

So can you commit to me to just make sure you're looking at that new CEQ rule and make sure it actually complies with the most recent law that just passed which was about streamlining and moving projects more quickly?

I think this new rule that was just promulgated is going to do the exact opposite. Can you commit to me to doing that?

Secretary BUTTIGIEG. Yes, my expectation is everything we do will comply with the bipartisan infrastructure law and will certainly review that.

Senator SULLIVAN. Thank you. Thank you, Madam Chair.

The CHAIR. Thank you.

Senator Tester, are you ready?

**STATEMENT OF HON. JON TESTER,  
U.S. SENATOR FROM MONTANA**

Senator TESTER. I am.

The CHAIR. OK.

Senator TESTER. I apologize if these have been asked.

The CHAIR. As my colleagues know, I know we've been joined by a few people online and here. So the next recognition would be Senator Cruz and then Sinema and then Lee and then Mr. Warnock.

Senator TESTER. So it's good to have you here, Secretary Buttigieg.

As I think you already know, there's been a lot of legs of flights that have been canceled and the reason they've told me is because don't have enough pilots, not because of demand. Planes were full or nearly full and they've cut it back. I'm going to have Delta in my office later this week and I'm sure that's what they're going to tell me. Can't get enough pilots.

So is the Department of Transportation playing in this realm as far as getting pilots because I don't care if you're talking about regional or whatever you want to talk about, if a plane ain't flying, a plane ain't flying. OK?

Are you guys playing in this game as far as trying to get more pilots available to these airlines, and, if so, what are you doing and when would you anticipate this problem being solved?

Secretary BUTTIGIEG. Thank you. Yes, we recognize a shortage of pilots that in some ways is not completely dissimilar to the shortage of truckers we're seeing and we think it's related to a number of issues from the pipeline in to the thinning out of work forces that happened during the worst periods of COVID-related flight cancellations to some questions about pay and conditions.

As with truckers, there are many pilots who were very well-paid, many who are less so, and that can make it difficult for regional players to be competitive.

Airlines are taking the lead with cultivating students and building those skills, but we play a role, too, and are making sure that even as we speak, FAA Funding is being aligned toward supporting a stronger pipeline of people into the profession.

Senator TESTER. And are you monitoring how the FAA is utilizing these dollars? What I'm saying is are we actually getting

more people trained or are we funding saying do it or who's watching them? Are you?

Secretary BUTTIGIEG. So, yes, I've requested updates on how those dollars are being used and want to see them translate obviously into outcomes as we go.

Senator TESTER. And when did those dollars go to them and has it translated to a bigger pipeline yet and when do we anticipate—you know, I mean, I'll be honest with you. Because of the legs—I drive four and a half hours sometimes to get a flight that gets back out so I don't have to fly halfway around the world to get to Washington, D.C. So if I'm doing that, every business person in the state's doing that, too.

Secretary BUTTIGIEG. Mm-hmm. So what I can tell you is that we're gathering information on how that needle is moving and be happy to stay in touch with your office about what we're seeing and what resources we need.

Senator TESTER. I would like that. Last week you testified in person before the Surface Transportation Board, becoming the first sitting Transportation Secretary to do that in more than 20 years. Thank you.

The issue that brought you there was an ongoing supply chain disruption, the continuing challenges of keeping consumers from being able to buy products they need, keeping farmers unable to bring their products to their ultimate final destination.

It is a big complex problem with a lot of interconnecting parts, ocean carriers, ports, trucking, freight rail. It's going to take a lot of work to resolve the problems and to make sure that we don't end up at this point again.

So, Mr. Secretary, based on everything that you've seen and heard, what concrete steps do we need to take, do you need to take to get past this?

Secretary BUTTIGIEG. So several things, and as you noted, we testified at STB about this and have engaged the freight rail carriers directly, too.

We think there are a number of steps that could deliver more fluidity in the system. Some are things that we're pressing on in the industry, including data-sharing and clarified common carrier standards, but I would also say we have a role to play ourselves in delivering infrastructure that will help with fluidity, eliminating rail crossings and other uses of the Crissy Program which Congress has provided us with the funds to do and it's one of the main supply chain-relevant uses of the dollars in the infrastructure law and we're working with all deliberate speed to get those out there.

Senator TESTER. As far as this budget goes, do you believe it's adequate to continue to address the problem in a timely way?

Secretary BUTTIGIEG. We believe it's a major step up and will be certainly enough to make a big difference. We'll be the first to say we think more resources are needed.

Senator TESTER. Doesn't everybody? Thank you very much. Thank you, Madam Chair.

The CHAIR. Senator Cruz.

**STATEMENT OF HON. TED CRUZ,  
U.S. SENATOR FROM TEXAS**

Senator CRUZ. Thank you, Madam Chair.

Secretary Buttigieg, welcome.

Secretary BUTTIGIEG. Good morning.

Senator CRUZ. I want to start by discussing President Biden's Disinformation Governance Board or, as many of us are calling it, the Ministry of Truth that was recently announced.

You said in 2019, "The point of defending free speech is not that you expect everyone to be perfectly aligned with every speech act that is protected. It's that that's a fundamental American freedom. It's a huge part of what makes America America and when that same flag was on my shoulder I didn't think of the flag as something that itself as an image was sacred. I thought of it as something that was sacred because of what it represented. One of the very things it represented is the freedom of speech and that's one of the reasons I served."

I got to say, Secretary Buttigieg, that's a sentiment I wholeheartedly agree with and I think most Americans do, as well.

Simple question. Do you still believe that?

Secretary BUTTIGIEG. Of course.

Senator CRUZ. That freedom of speech should not be subject to censorship by the government?

Secretary BUTTIGIEG. Sure.

Senator CRUZ. Why is the Biden Administration then putting someone who is an obvious partisan, someone who is engaged in the repeated pushing of misinformation, putting them in charge of a board ostensibly directed at regulating the free speech of American citizens?

Secretary BUTTIGIEG. Let me begin by acknowledging that this is outside of my area of expertise and responsibilities as a department, but I should also note that when I was wearing that flag on my shoulder, I was qualified in what the Navy calls information warfare, knowing that the use of misinformation—

Senator CRUZ. With respect, we got limited time. So should the government be censoring and regulating the speech of American citizens? Yes or no?

Secretary BUTTIGIEG. So that's a complex philosophical question. Obviously we believe in free speech, but as you know, you don't have the right to yell fire in a crowded theater. If you regard that as the government regulating speech, then I suppose you would have to agree the answer—

Senator CRUZ. Should the government silence voices that are politically inconvenient and that it disagrees with?

Secretary BUTTIGIEG. As a matter of course in our domestic politics, of course not.

The CHAIR. So why is the Biden Administration creating a board to do that?

Secretary BUTTIGIEG. I believe this is based on the awareness that misinformation and disinformation is used as a weapon against the American—

Senator CRUZ. So was the Hunter Biden laptop misinformation?

Secretary BUTTIGIEG. I'm not familiar with all of the details of those stories. What I know is that Russia notably and other players, too,—

Senator CRUZ. Except it wasn't Russia. It's an accurate laptop. Now the *New York Times* has acknowledged that after the election and yet the head of this disinformation board happily pushed out that it was disinformation, that that is a code word for things that are politically inconvenient.

Let's turn to a different topic. As you are well aware, recently a Federal court struck down the mask mandate. When that happened, Americans across the country saw footage of people on planes hearing the announcement over the loud speaker and cheers bursting out.

When I flew to D.C. from Houston yesterday on the plane, I would say there were fewer than 10 percent of the people who chose to wear masks.

Does it concern you that the Biden Administration was putting in place a policy that now a Federal court has concluded was illegal and that a huge percentage of Americans found arbitrary and unjustified?

Secretary BUTTIGIEG. If I'm not mistaken, most Americans support the mask mandate for flights, but I think a lot of us are also pleased—

Senator CRUZ. Why were they cheering on planes?

Secretary BUTTIGIEG. What's that?

Senator CRUZ. Why were they cheering on planes?

Secretary BUTTIGIEG. Look. I think a lot of us have been looking forward to the day when that reverted to being a personal choice. I know I have and I've been saying so throughout.

Senator CRUZ. So you're the Secretary of Transportation. Is it safe to travel on a commercial airline without a mask?

Secretary BUTTIGIEG. So people should make their own choice. It's no longer required.

Senator CRUZ. So when you next fly commercial, will you wear a mask?

Secretary BUTTIGIEG. Depends where I'm traveling to and—

Senator CRUZ. Commercial flight anywhere. You're on a plane. You're flying from one American city to another American city.

Secretary BUTTIGIEG. I'm not sure. It will depend on conditions that day. I don't have a flight today, but next time I do, I'll think it over.

Senator CRUZ. OK. So under the current CDC guidance, which is actually posted on the Department of Transportation website, it says, "CDC continues to recommend that people wear masks on indoor public transportation settings at this time." It also says, "Traveling on public transportation increases a person's risk of getting and spreading COVID-19 by bringing people in close contact with others often for prolonged periods."

I and many others are very dismayed with both CDC and the Department of Transportation for the politicization of this issue, but do you agree with those statements?

Secretary BUTTIGIEG. Well, I certainly support the CDC as the authority in this country on public health determinations, and I share your dismay at the politicization of masks.



I think the most important thing by far, Senator, is that whether it's on a flight or bus or anywhere else, respect is shown to those who wear masks and to those who choose not to.

Senator CRUZ. So let me ask you if you agree with the CDC statement that's on the Department of Transportation website? Multiple pictures came out this weekend from you at the White House Correspondents Dinner. You weren't wearing a mask. You were having a good time, laughing, and jokes were being told.

How did that not qualify a, to use the CDC's words, "bringing people in close contact with others often for prolonged periods," and why did you make the choice not to follow that dictate?

Secretary BUTTIGIEG. So I made a personal risk decision, consistent with the public health guidance and rules in effect, which, as you know, did not require the wearing of masks in that environment, and I would add, if I'm not mistaken, the CDC—

Senator CRUZ. So why is—

Secretary BUTTIGIEG.—mandate for aircraft would have expired by now.

Senator CRUZ. So why is the Administration appealing that decision and presumably trying to reinstate the mask mandate even now?

Secretary BUTTIGIEG. I would not agree with the premise of that question. The reinstatement—

Senator CRUZ. Why are you appealing it?

Secretary BUTTIGIEG.—of the mask mandate is not the same as the rationale for appealing. I don't have the legal background that you do, but my understanding is that the appeal concerns whether the CDC has the authority to do that in this pandemic or in any pandemic, which is completely distinct from whether a mask mandate ought to be applied any given day, and again, as I—

The CHAIR. So are you telling this committee that even if you prevail on the appeal that the Administration is not going to reimpose the mask mandate?

Secretary BUTTIGIEG. Well, it's not me saying so. It would have expired by today.

Senator CRUZ. Well, but prior to the court decision, the Administration kept extending it, despite little to no scientific basis for that.

Secretary BUTTIGIEG. You will recall the extension was only two weeks, and if I'm not mistaken, those two weeks would have passed by now.

Senator CRUZ. So are you saying that you don't intend to extend it, even if you prevail on appeal?

Secretary BUTTIGIEG. Well, it's not up to me. It's TSA acting on CDC guidance, but, yes, I mean, if it is certainly the case, barring something that would have led to an extension that the mask mandate would have expired, which means that even if the case is won—

Senator CRUZ. And you think it should have been allowed to expire?

Secretary BUTTIGIEG. Based on the conditions at the time that it was set for 2 weeks, yes.

Senator CRUZ. OK.

Secretary BUTTIGIEG. But again that's not my call. It's the CDC's call.

The CHAIR. Thank you.  
Senator Sinema.

**STATEMENT OF HON. KYRSTEN SINEMA,  
U.S. SENATOR FROM ARIZONA**

Senator SINEMA. Thank you, Chair Cantwell, and thank you to my friend Secretary Buttigieg for joining us today.

The bipartisan infrastructure law represents a historic investment in our national transportation infrastructure that will update and modernize our highways, bridges, airports, railroads, and public transit systems.

For example, Arizona will receive an additional \$200 million annually above existing funding levels for our highways and bridges over the next 5 years.

The Department of Transportation has a crucial role to play in dispersing these funds from the bipartisan infrastructure law to make sure the money is distributed equitably and consistent with the provisions of the law.

So I look forward to working with you, Secretary, and with my colleagues on this committee to continue to advance implementation of the bipartisan infrastructure law to help Arizona families and small businesses get ahead.

One significant highway project to Arizona is expanding Interstate 10 on the 26 miles the highway passes through lands belonging to the Hila River Indian Community. Arizona motorists rely on this stretch of the I-10 to travel between Phoenix and Tucson and when departing Phoenix to connect to Interstate 8 south of Pasa Grande.

This is the only stretch of the I-10 that narrows to two lanes between Arizona's two largest metropolitan areas. Congestions on this part of the I-10 costs Arizona motorists time and money and hinders the ability of commercial products to arrive at their destinations on time.

For fast-growing states like Arizona, highway expansion projects are an important piece of addressing our state's transportation challenges along with improving other transportation modes, such as public transportation.

So, Secretary, can you share your approach to distributing competitive grant funding made available through the bipartisan infrastructure law and give me your commitment to distributing highway funding consistent with the statutory provisions within the law?

Secretary BUTTIGIEG. Well, thank you, Senator, and the short answer is yes, I'm, of course, committed to making sure that all funding, formula and discretionary, is distributed consistent with the provisions of the law.

The corridor in the area that you're describing is a good example of a place where for safety reasons and for throughput reasons we need to consider new kinds of investment and I have every expectation that competitive applications will be coming in from the region.

Senator SINEMA. Well, thank you. Under the provisions of the bipartisan infrastructure law, Arizona airports are expected to receive \$348 million for infrastructure improvements over the next 5 years.

For Budget Year 2022, Phoenix Sky Harbor International Airport will receive over \$41 million under our law and every airport in Arizona will see increased funding.

Senator Kelly and I enjoyed hosting you at Sky Harbor in November of last year to tour the new concourse at Terminal 4, which will serve thousands of travelers every day once it becomes operational.

Our infrastructure law also includes funding for the \$5 billion Airport Terminal Program and \$5 billion for air traffic control towers.

Could you provide us an update on those aviation infrastructure programs?

Secretary BUTTIGIEG. Thank you. And it was a pleasure to visit Sky Harbor with you and Senator Kelly and see the work that's going on.

We are working as swiftly as we can to make sure that all of this funding is aligned and ready to be distributed, recognizing that there is a great deal of need for improvements and enhancements, whether we're talking about our terminals or in some cases runway and other enhancements, and that are going to serve to make our airports not only more effective in moving passengers and goods, but also more environmentally sustainable and more accessible to all, something I was especially impressed with in seeing the plans at Sky Harbor.

We'd be happy to provide your office with more detailed timelines on the Notices of Funding Opportunity and the formula apportionments, but can you tell that we're working to meet all statutory deadlines and to get these dollars delivered efficiently.

Senator SINEMA. Thank you. On that same trip last November, you also visited the Valley Metro's Northwest Extension. That will extend Phoenix's Light Rail System across Interstate 17 to the former Metro Center Property that's currently undergoing redevelopment.

Now Arizona's public transit systems are also expanding in other places, as well, like the Valley Metro South Central Expansion and the Tempe Street Car which will be opening to riders later this month.

The bipartisan infrastructure law increased our public transit investment in communities of all sizes, and I'm particularly proud of the provision that I worked on with Senator Moran to increase funding to small transit-intensive cities. These are cities like Flagstaff and Yuma that have under 200,000 residents but enjoy high-performing transit systems.

So as the former Mayor of a City of about that same size, can you talk to us about the importance of public transit investment in these smaller communities?

Secretary BUTTIGIEG. Thank you. It's a very important topic. I know that when people hear transit, it often invokes images of subways in some of our biggest cities and, of course, it's a very important part of the American transit story, but so is transit in lower-

density communities, and I think there is a great deal of potential now, especially with new technologies of micro-mobility connecting into transit systems, and some alternatives to traditional hub and spoke models of how bus systems and related transit systems work to better serve these kinds of communities where the need is as great or greater and to create alternatives so that people, whether they own a car or not, have many ways to get to where they need to be that are affordable, sustainable, and reliable.

Senator SINEMA. Well, thank you. Chair Cantwell, with that, I yield back the remainder of my time.

The CHAIR. Thank you, Senator Sinema.  
Senator Lee.

**STATEMENT OF HON. MIKE LEE,  
U.S. SENATOR FROM UTAH**

Senator LEE. Thank you, Madam Chair. Thank you, Mr. Secretary, for being here and for your service.

On March 31, so just a few weeks ago, NHTSA finalized CAFE standards pursuant to which cars and light trucks would be required to meet an industry-wide fleet average of about 49 miles per gallon by 2026.

Tell me how much will that rule cost an average vehicle?

Secretary BUTTIGIEG. I'll have to pull the statistics for you and send them. What we know is that—

Senator LEE. It's safe for me to assume that it will cause a cost increase. I mean, that's going to require—we don't have CAFE standards anywhere near that approach, right? So this would require innovation of new technologies?

Secretary BUTTIGIEG. Yes, it'll require innovation and investment, but, of course, also yield savings to the tune of hundreds of dollars per customer.

Senator LEE. Hundreds of dollars per customer per year in fuel savings. Is that what you're describing?

Secretary BUTTIGIEG. Mm-hmm.

Senator LEE. Any idea how much it will cost on the vehicle, though?

Secretary BUTTIGIEG. Again, let me pull the exact numbers and provide those to your office.

Senator LEE. OK. Thank you. You know, I do worry about this because the average American family is struggling to get by, especially with inflation. It's causing a concern. It worries me a lot.

Secretary BUTTIGIEG. Respectfully, Senator, that's exactly why we think these rules are so important because the gas savings for families will mean savings in people's pockets at a time when we've got to fight inflation with everything we've got.

Senator LEE. Right, right. Well, and that's why it's also important to ask this question, though, as to whether this really will mean savings.

Now the CAFE standards at issue also deal with possibility that regulatory compliance can be achieved by a manufacturer if—I think the threshold is 17 percent—if 17 percent of a manufacturer's sales consist of electric vehicles, but, of course, electric vehicles require access to a lot of minerals, like cobalt and lithium, for their batteries.

So will this mandate end up impacting our demand for cobalt, lithium, and other minerals in a way that will make us more dependent on countries like Russia and China where we get some of these minerals?

Secretary BUTTIGIEG. So one very important issue with EVs is sourcing the raw minerals and the refining capacity, as well, for them to go into batteries and there has been a lot of work that I've discussed with many of the U.S. auto industry leaders on how to onshore or near-shore more of that.

A lot of resources, including lithium, exist in the U.S. untapped and certainly a preferred alternative to some of the international foreign sources that are currently leading in some of these raw material needs.

Senator LEE. What's the average cost of an electric vehicle?

Secretary BUTTIGIEG. Well, averages can be misleading. The last I saw was a Kelly Blue Book figure of \$55,000 but that includes a \$189,000 Porsche. If you look at the vehicles that are coming online now, they start in the mid to high 20s and go up from there.

Senator LEE. It does concern me. I mean, overall, they are—it's a higher price point. I understand that includes higher-end vehicles, but it's a relatively few number of those higher-end vehicles that are being sold and the technology does cost money.

So if we're not careful, and this could end up being a regressive policy, one that affects the poor and hard-working middle class Americans and people in rural communities, people who are already struggling with inflation and have a difficult time getting from one place to another as it is. I don't want us making it so expensive that we price them even further out of the market.

Let's switch gears to talk about the transportation mask mandate. I know this was discussed a moment ago with one of my colleagues.

As a policy matter, do you think that the masks ought to be required as a condition, legal condition for interstate travel?

Secretary BUTTIGIEG. As a policy matter, I defer to the CDC and the TSA who have the authorities in this regard.

Senator LEE. Right. But you're the Transportation Secretary. You've got a role specifically in transportation. What are your policy views on how that affects transportation and whether this is worth the difficulty that it creates?

Secretary BUTTIGIEG. The difficulty of wearing a mask?

Senator LEE. Yes, yes. So, I mean, you noted a few moments ago in response to questions by Senator Cruz that you think the standard ought to be people need to show respect for those who wear masks and respect for those who choose not to wear masks.

There are a few ways in which more disrespect can be shown than by threatening to arrest those not wearing masks, choosing not to wear masks.

Secretary BUTTIGIEG. So just to be clear, I mean, I don't mean people who are not wearing a mask in a way that breaks the law. What I mean is in an environment where the mask mandate has been lifted, be it on a bus or an airplane, that hopefully everybody is treated respectfully.

Senator LEE. And it has been lifted by court order. That court order is being appealed. So if the standard ought to be showing re-

spect to those who are masked and those who are not, why would the Administration appeal it?

Secretary BUTTIGIEG. Well, I think it's important to establish the CDC's authorities in this regard. I mean, we have any number of safety measures as a country, including transportation, ranging from the requirement to wear seatbelts to the requirement to wear masks during a pandemic.

Senator LEE. Right. I see my time's expired. If we have more time, I'll ask you some of these in writing, but, you know, the Administration has yet to rule out vaccine mandate for interstate travel. I'll ask you about that and a few other things in writing.

Thank you.

The CHAIR. Thank you, Senator Lee.

Thank you for your indulgence.

**STATEMENT OF HON. RAPHAEL WARNOCK,  
U.S. SENATOR FROM GEORGIA**

Senator WARNOCK. No problem. Thank you so very much, Madam Chair, and, Mr. Secretary, it's great to see you again.

Secretary BUTTIGIEG. Likewise.

Senator WARNOCK. I know that you've been down to my home state of Georgia. You've been to Atlanta and my hometown of Savannah and you've seen up close the overpasses, the highways, the bridges that help Georgians get to where they need to go.

But, unfortunately, many of these bridges and highways were built directly through historic communities without any concern for how it would affect the folks who live there, disproportionately affecting historic black communities. When we look at these bridges, these overpasses, it's kind of landscape history of the arc of our country.

These projects contributed to poor air quality in the communities, diminished access to jobs and economic opportunity, literally split communities in half, and they disrupted the rich culture of these neighborhoods.

I was down in my hometown of Savannah, Georgia, and some of the folks who were older than me were talking about how the community, the very community where I grew up had once been a vibrant jazz community, restaurants, black businesses, all disrupted by I-16 that literally goes straight through the middle of these communities, and then Sweet Auburn Avenue where I serve as Pastor of Ebenezer Baptist Church, historic community, lots of black businesses, America's largest concentration, in fact, of black-owned businesses, also disrupted.

When we look at these structures built in the name of urban renewal, this is structural racism in the most literal sense of the word and that's why I fought to reverse the damage done by highways and other large infrastructure projects by securing \$1 billion in the bipartisan infrastructure law for the Reconnecting Communities Program.

And so, Mr. Secretary, what is the Transportation Department's timeline for implementing this very important program that I think in a literal sense builds what Dr. King called "The Beloved Community" and how will you ensure that the program accomplishes our goals?

Secretary BUTTIGIEG. Thank you, Senator. We are hard at work at delivering the first year's funding for the Reconnecting Communities Pilot Program that you and your colleagues have provided. \$195 million will be ready to go out in a Notice of Funding Opportunity that we hope to put forward by the end of June and what we already know is that there will be applications from places around the country like those that you cited in Georgia.

We've seen it everywhere from Jackson Ward in Richmond that I visited not too long ago to the area around I-81 in Syracuse to the Hill District in Pittsburgh and often, as you said, tearing the fabric of communities and knowing that transportation infrastructure ought to connect and never to divide.

Senator WARNOCK. Right.

Secretary BUTTIGIEG. We recognize the moral as well as policy imperative to ensure that if Federal dollars went into those divisions, Federal dollars go into healing them, as well.

Senator WARNOCK. Thank you so much, and, you know, as I talk to the folks down in Savannah, they are very excited to hear about this and I hope we can deliver for those folks, folks in Atlanta and all across our country who are on the underside of this shameful legacy of progress at the expense of certain historic communities.

I always feel pride, you know. I'm sorry to talk about Savannah so much, but that's my hometown, and one of the things I'm proud of is Savannah's port and how they showed remarkable ingenuity and adaptability in the face of supply chain challenges last year.

For example, they were the ones who came up with the idea of using pop-up container yards to unclog the port and keep supply chains running and I'm glad that I was able to work with you and your office worked well with us to secure more than \$8 million for the Georgia Ports Authority to alleviate congestion at the Port of Savannah and fund these pop-up container yards.

How did funding for the Port of Savannah and the rest of Georgia's transportation networks support the department's national priorities for improving transportation infrastructure and restoring supply chain resilience?

Secretary BUTTIGIEG. Well, you rightly have a lot to be proud of in terms of the work that's gone on with the Georgia Ports Authority and the Port of Savannah and appreciate you highlighting in particular the creativity and problem-solving that went into concepts like that pop-up or temporary container yards, an approach that's now being emulated in Oakland in the Pacific Northwest and I think it'll continue to be emulated in other areas of the country, as well, and one that matters not only for the import of goods but for the export of agricultural products which is one area where Savannah leads.

We think that those kinds of flexible and original approaches need to be matched with more permanent improvements which we are now able to make thanks to the funding in this bipartisan infrastructure law on everything from the ports themselves to the rails and highways that connect them to the rest of the country.

Senator WARNOCK. Well, thank you for your work on this. I'm glad I was able to secure \$11 billion for Georgia's roads, bridges, highways, ports, other critical infrastructure. I look forward to working with you on this and also reconnecting these communities.

Secretary BUTTIGIEG. Likewise. Thank you.

The CHAIR. Thank you. Thank you, Secretary Buttigieg.

I think that concludes our hearing. I'm going to submit a question about some of the other senior staffing challenges that you have, you know, particularly for air traffic commercial space, aviation safety, including flight standards and air certification. I hope that you will respond to those and use your leadership to help prioritize those safety reforms that Congress mandated.

I just want to note, you know, that exchange with Senator Cruz. I think the difference between the challenges we make every day as a flying public and the event you just attended is that everybody there got tested and had a clearance prior to that event and here we are now on planes not knowing what everyone's status is.

We have my colleague Senator Scott and I have suggested and have continued to push forward on temperature checks at airports in a broad way that some of our international colleagues have had great success on.

So thank you for considering that and continuing to work on it.

This hearing will remain open for two weeks, until May 17, 2022. Any Senator who would like to submit questions for the record do so by May 17, 2022, and the Secretary responses returned to the Committee as quickly as possible but no later than May 31, 2022.

So again thank you for being a great partner with us on the infrastructure bill. Thank you for your due diligence. I think you can see from our colleagues here, they appreciate when you visit our states, and I think that that interaction and helping us with this infrastructure investment and getting it out the door will be great for America.

Thank you very much. The committee is adjourned.

[Whereupon, at 12:27 p.m., the hearing was adjourned.]



## A P P E N D I X

RESPONSE TO QUESTIONS SUBMITTED BY HON. MARIA CANTWELL TO  
HON. PETE BUTTIGIEG

**Multimodal Freight Network.** A provision in the FAST Act of 2015 required the Department of Transportation (DOT) to create a multimodal freight network map to identify the Nation's critical freight corridors, which would help the Federal government, states, and cities make informed infrastructure investment and planning decisions. The Congressional deadline for this map was December of 2016, and the Infrastructure Investment and Jobs Act required a status report on the creation of the freight network map within 30 days, however, DOT has missed both Congressional deadlines.

*Question 1.* What is the status of the multimodal freight network map and when is it expected to be completed?

Answer. The Bipartisan Infrastructure Law (BIL) establishes a new Departmental Office of Multimodal Freight Infrastructure and Policy. The new office will oversee and administer multimodal freight programs, including the designation of the National Multimodal Freight Network (NMFN). The Department is in the process of standing up the new office, and once it is established, one of its immediate priorities will be to finalize the NMFN. The status report on the NMFN required by BIL is under development.

**Multimodal Freight Office.** In order to improve multimodal freight planning and investments, the Infrastructure Investment and Jobs Act mandated the creation of a new Office of Multimodal Freight Infrastructure and Policy to be housed within the Office of the Secretary.

*Question 2.* What progress has DOT made in establishing the new Office of Multimodal Freight Infrastructure and Policy?

Answer. The Department is in the process of standing up the new Office of Multimodal Freight Infrastructure and Policy, as required under BIL. The President's FY 2023 budget requests \$2 million to establish the new office, including 5 new Full-Time Positions (FTP) to provide oversight and execution for multimodal freight policy across DOT.

**Economic Impact of Vehicle Safety.** The National Highway Traffic Safety Administration (NHTSA) has moved slowly to implement critical vehicle safety regulations. The Government Accountability Office released a report in April of 2022 titled *Traffic Safety: Implementing Leading Practices Could Improve Management of Mandated Rulemakings and Reports*, which indicated that 18 of NHTSA's 22 Congressionally mandated rulemakings are incomplete and overdue. This number does not include the additional 11 safety mandates included in the President's Infrastructure Package. GAO found that NHTSA does not utilize best workflow practices in a number of project stages, and made several recommendations that could help NHTSA meet its statutory deadlines.

*Question 3.* Will you ensure that NHTSA implements the four outstanding recommendations GAO has identified to help improve NHTSA's regulatory process?

Answer. Yes. NHTSA concurred with all four of the GAO's recommendations and is committed to ensuring that NHTSA implements them as expeditiously as possible. As part of the process to address GAO's recommendations, NHTSA will provide an update on the status of our progress for each recommendation.

*Question 4.* How would DOT's FY 2023 budget help address NHTSA's regulatory backlog and improve the agency's efficiency?

Answer. NHTSA's rulemaking programs advance the Department's priorities by developing and updating the Federal Motor Vehicle Safety Standards and other regulations in the key areas of fuel economy, crash avoidance, crashworthiness, post-crash safety, international policy, and consumer information. Among many activities which help address NHTSA's regulatory responsibilities and improve the agency's efficiency, the FY 2023 budget request will enable NHTSA to:

- Continue efforts on regulatory proposals to standardize performance of automatic emergency braking (AEB) technologies in both light and heavy vehicles, including Pedestrian AEB in light vehicles;
- Develop and promulgate safety standards for pedestrian crash protection;
- Support concurrently, for the first time, both light-duty and medium-and heavy-duty vehicle fuel efficiency programs while continuing to ensure standards will be based on sound science and empirical evidence; Develop and promulgate standards to address the unique safety risks associated with battery electric vehicles and fuel-cell vehicles; and
- Continue to update the New Car Assessment Program (NCAP), including efforts to implement design and consumer information improvements to the Government 5-Star Safety Ratings section of the Monroney label to enhance transportation safety and equity.

**FAA Safety Mission.** There is much work to do at the FAA; aviation safety must be the top priority.

Investments in Fiscal Year 2023 are key to building the FAA's safety capacity, including implementation of critical safety reforms under the Aircraft Safety, Certification, and Accountability Act, which this Committee played a critical role in drafting. As I stressed in the Commerce Committee's November 2022 safety reform hearing with the FAA Administrator, building FAA's safety capacity requires ensuring the FAA has the technical capacity and workforce to evaluate and certify the latest aviation technologies. Increasing the FAA's capability in this space will help keep our aviation sector safe and competitive.

*Question 5.* How does the Department's FY 2023 budget request provide resources needed to implement congressionally-mandated aviation safety and certification reforms?

Answer. The Aviation Safety Organization (AVS) Fiscal Year (FY) 2023 budget request includes more than \$6.4 million to fund 86 full-time positions to address the staffing requirements from the Aircraft Certification, Safety, and Accountability Act (ACSAA). The budget request also includes a request for \$7.5 million to fund various systems, including \$6 million for an Aircraft Certification oversight support tool/data analytics platform that enhances the Continued Operational Safety modernization objectives.

The increased hiring of systems engineers, safety inspectors, flight test pilots, trainers, and human factors engineers is needed to conduct comprehensive reviews of each manufacturing ODA holder's ability to meet regulations, to process amended type certificates for modifying an aircraft, and to provide flight test and pilot training. Additional staff will also better integrate human factors and system safety assessments of aircraft flight deck and flight control systems into the FAA's certification process and regulatory oversight.

**Rebuilding FAA Senior Management.** We also know there is an urgent need to rebuild senior management at the FAA. As you know, we have a vacancy at the FAA Administrator position. It is critical that the next Administrator is ready to lead the FAA's aviation safety mission on day one.

Additionally, the FAA has also lost senior managers due to retirements in the Air Traffic Organization ("ATO") and Commercial Space Transportation ("AST") offices as well as the Flight Standards Service ("AFX") and Aircraft Certification ("AIR") in the Office of Aviation Safety ("AVS"). These vacancies present challenges to ensuring proper oversight and regulation of aviation safety throughout the National Airspace System.

*Question 6.* What steps is the Department taking to rebuild and fill the senior management positions for air traffic, commercial space and aviation safety, including flight standards and aircraft certification?

Answer. The FAA has filled the Aviation Safety, Flight Standards, and Aircraft Certification positions with highly knowledgeable and experienced leaders.

- **Aviation Safety:** Capt. Billy Nolen is FAA's Associate Administrator for Aviation Safety (AVS) and the Acting Administrator of the FAA. He has over 33 years of experience in operations and corporate safety, regulatory affairs, and flight operations. He started his career as a 767, 757, and MD-80 pilot with American Airlines. His passion for operations and safety led to the role of Manager of the Pilot Aviation Safety Action Program (ASAP). He then became Manager of Flight Safety with responsibility for Accident/Incident Investigations, Flight Operational Quality Assurance, Line Operations Safety Audits, and oversight of the Pilot and Maintenance ASAPs. He has also served as Senior Vice President of Safety, Security, and Operations with Airlines for America; Execu-

tive Manager of Group Safety & Health for the Qantas Group; and Vice President of Safety, Security, and Quality at WestJet in Calgary, Alberta. Capt. Nolen is a graduate of Embry-Riddle Aeronautical University, where he earned a Bachelor of Science in Aviation Management and has certificates in aviation safety from the U.S. Naval Postgraduate School, U.S. Army Safety Center, and the University of Southern California. He is a Fellow of the Royal Aeronautical Society (FRAeS) and has travelled extensively across the globe. In April 2022, he began serving as the agency's acting Administrator, where he continues to provide leadership over key aviation safety initiatives.

- **Flight Standards:** Mr. David Boulter assumed the role of Executive Director for Flight Standards in March 2022. He was most recently Vice President, Flight Program Operations, where he led the Administrator's 2016 mandate to consolidate six agency flight programs into a single service unit in the Air Traffic Organization. He was responsible for all aspects of FAA Flight Program safety, including administration, operations, training, and maintenance, with a staff of 500 employees and a \$100 million budget. Mr. Boulter has been with the agency for 24 years, starting as an aviation safety inspector in the Scottsdale Flight Standards District Office, and later as a pilot and check airman, and as the Senior FAA Representative in Afghanistan when the agency assisted in re-constituting air navigation services in the country. He began his aviation career in the U.S. Coast Guard. Prior to his career at the FAA, Mr. Boulter held various civilian aviation positions in part 121 and part 135 operations as a pilot, flight instructor, check airman, and Chief Pilot of a commuter airline. Mr. Boulter holds an Airline Transport Pilot certificate with CL60, BE30, EMB-110, CV24-34-44 type ratings, and he is a Certified Flight Instructor. He is presently serving as the acting head of the Office of Aviation Safety while Capt. Nolen serves as the acting Administrator.
- **Aircraft Certification:** Ms. Lirio Liu assumed the role of Executive Director of Aircraft Certification (AIR) in May 2022. She is especially qualified for this position as she has served in executive leadership positions in the Office of International Affairs, AVS, and specifically AIR. She began her FAA career in the Los Angeles Aircraft Certification Office as a structural engineer working on type certification and supplemental type certification programs for rotorcraft, large transport, and small airplanes. She served as the Executive Director for Operational Safety in the Commercial Space Transportation Office and held a variety of executive leadership roles within Aviation Safety, including the Executive Director for Rulemaking and acting Deputy Associate Administrator. She also served as the Deputy Regional Administrator for the Western-Pacific Region and as the FAA Senior Representative in Paris. Most recently, she was the Executive Director for the Office of International Affairs, where she provided executive leadership and guidance in the development of international policy across the various disciplines of the FAA. Ms. Liu holds a Bachelor of Science in Aerospace Engineering from the University of Texas at Arlington and a Master of Science in Aviation and Aerospace Sustainability from Embry-Riddle Aeronautical University.
- **Air Traffic Organization:** Mr. Tim Arel assumed the role of Chief Operating Officer for the Air Traffic Organization (ATO) in October 2022. Mr. Arel has spent 33 years with the FAA and developed expertise in airspace security, air traffic safety, resource management and labor relations. Prior to being named ATO Chief Operating Officer in October 2022, he served as Deputy COO from 2017-2022, overseeing domestic air traffic operations and managing the ATO Officers Group, the organization's executive leadership team. Mr. Arel's previous leadership roles in the ATO include Director of Safety, Deputy Vice President of Safety and Technical Training and Vice President of Air Traffic Services. Earlier in his career, Arel managed the ATC Investigations Team, the Compliance Services Group, the Quality Assurance Group and the Runway Safety Group. He began his FAA career as an air traffic controller in 1989. Mr. Arel is a veteran of the U.S. Air Force and has a background in public safety, having worked as an emergency medical technician, firefighter, 911 operator and police officer. He is a graduate of the Federal Executive Institute's *Leadership for a Democratic Society* and the Harvard John F. Kennedy School of Government's *Driving Government Performance*.
- **Commercial Space Transportation:** Mr. Kelvin Coleman assumed the role of Associate Administrator for the Office of Commercial Space Transportation (AST) in September 2022. In this role, Mr. Coleman is responsible for ensuring the achievement of AST's mission to oversee and enable the safest commercial space transportation system in the world. Mr. Coleman has more than 25 years

of leadership experience in AST. He has served as Deputy Associate Administrator, Chief of Staff, Senior Technical Advisor for Operations Integration, Program Lead for Space and Air Traffic Integration, and Special Assistant to the Associate Administrator. Prior to joining AST, Mr. Coleman worked for the U.S. Naval Air Systems Command (NAVAIR) as both a systems engineer, and as a guidance, navigation, and control engineer for several weapon system acquisition programs. Mr. Coleman is a graduate of the U.S. Department of Agriculture's Executive Training Program. He also holds a B.S. in Electronics and Computer Engineering from George Mason University and an M.B.A. from Marymount University.

*Question 7.* Will you commit to ensuring that this new leadership team at FAA will prioritize Congressional-mandated safety reforms?

Answer. Yes, the FAA leadership team is firmly committed to continuing the agency's efforts to prioritize and implement the safety reforms mandated by Congress.

***Certification of eVTOL Aircraft.*** It has recently been reported in the media that the FAA has switched its certification procedure for electric vertical takeoff and landing ("eVTOL") aircraft from 14 CFR 21.17(a) to 14 CFR 21.17(b).

*Question 8.* Please explain FAA's rationale for changing the certification procedure to 14 CFR 21.17(b).

Answer. The FAA's top priority is to make sure the flying public is safe, which includes oversight of the emerging technology of eVTOL vehicles.

For the FAA to certify these types of aircraft as airplanes under 14 CFR 21.17(a), each project would have required the FAA to address the vertical takeoff and landing capabilities by issuing multiple special conditions. The FAA also identified challenges with this approach, particularly for certificating pilots and enabling operations.

In adjusting the approach to certifying powered lift aircraft as a special class under 14 CFR 21.17(b), the agency is pursuing a framework that will help address the need to train and certify the pilots who will operate these novel aircraft, and can take advantage of technologies that will transform aviation. The FAA believes this approach will facilitate the development of a stable framework for safe operations, bolstering the agency's efforts to safely and efficiently integrate new types of aircraft into the Nation's aerospace system, while providing a simpler pathway for applicants to obtain the necessary FAA approvals.

It is important to note that the FAA's standards for certifying the aircraft remain unchanged. Development work done by applicants remains valid, and the FAA believes that the changes in its regulatory approach should not delay these proposed projects. As this segment of the industry continues to grow, the FAA looks forward to ensuring that these innovative technologies provide the safety that the public expects.

*Question 9.* The G-1 issue paper from the FAA for JOBY initially set 14 CFR 21.17(b) as the certification basis, before the G-1 issue paper was amended in 2019 to set 14 CFR 21.17(a) as the certification basis. This is prior to the more recent switch back to 14 CFR 21.17(b). Why was this amendment to the G-1 issue paper made in 2019, and was that amendment done with the concurrence of all pertinent offices within FAA?

Answer. The initial draft of the G-1 issue paper for the Joby S-4 identified the aircraft as powered-lift and designated the certification basis under 14 CFR 21.17(b) in accordance with existing regulations and policy. While the G-1 was in work, concerns were raised surrounding the operational uncertainty and airman qualifications of powered-lift. In response, the FAA classified the Joby S-4 as an airplane and designated the certification basis under § 21.17(a).

The FAA modified its approach to ensure the agency is pursuing a framework that will accommodate the need to train and certify the pilots who will operate these novel aircraft, establishing a framework that can be tailored to take advantage of technologies that will transform aviation. All versions of the issue paper were worked in accordance with FAA policies and procedures, including required coordination and concurrence with pertinent offices.

The FAA continues to work with Joby on the certification basis and means of compliance for the S-4 aircraft. The FAA has held multiple meetings with Joby, including its senior leadership, about its decision to certify Joby's proposed aircraft as a special class. The FAA provided an updated G-1 issue paper to Joby on May 17, 2022, and subsequently reached closure on the issue paper on July 27, 2022. The FAA published airworthiness criteria in the Federal Register on November 8, 2022 (87 FR 67399). The FAA does not anticipate a schedule delay with the modified ap-

proach and is committed to continued collaboration to finalize the means of compliance.

*Question 10.* What are the implications and differences for U.S. certified eVTOL aircraft under Bilateral Aviation Safety Agreements if said aircraft are certified under 14 CFR 21.17(b), as opposed to 14 CFR 21.17(a)?

Answer. The FAA has successfully worked validation projects for both §21.17(a) and §21.17(b) products with multiple foreign authorities; the technical requirements are the same under either path. For validation of any product, the validating authority places particular focus on areas with new or novel design features, safety critical items, or where requirements or guidance are not harmonized between the authorities. For eVTOL aircraft, this would include a large portion of the design since many of the requirements cover new and novel design features. The FAA is committed to working with applicants and the agency's bilateral partners on any validation efforts.

***Pilot Supply Challenges and Essential Air Service.*** In March, SkyWest Airlines petitioned DOT to exit its Essential Air Service (EAS) contracts in 29 communities. The EAS program provides airlines with subsidies to ensure that small and rural communities retain connectivity to the national air transportation system. Without EAS, these communities would lose service.

In explaining its decision, SkyWest said the airline “would prefer to continue providing scheduled air service to these cities” but “the pilot staffing challenges across the airline industry preclude us from doing so.”

It is critical that we continue to have a healthy supply of pilots so that communities across the country remain as connected as ever. In fact, our Aviation Subcommittee held a field hearing on May 13 at a new flight school in Arizona, to take a closer look at the aviation workforce. According to statistics from the U.S. Department of Labor, about 14,500 openings for airline and commercial pilots are projected each year, on average, over the decade. We need to fill these slots so aviation and, in turn, our economy can grow.

*Question 11.* I understand that the Department has rejected SkyWest's petition to exit these rural markets and will hold the carrier to its contractual commitments until replacement airlines are able to step in. What should the Department and Congress be doing to strengthen the EAS program? Specifically, are there any statutory requirements—such as the entitlement to 2-engine and 2-pilot aircraft—to which Congress should consider changes?

Answer. In light of the COVID-19 pandemic and ongoing changes to and pressure on the aviation industry and the resulting impact on small communities, including those eligible for EAS, the Department is taking an intensive look at the EAS program. As the Department develops its thinking on these issues, the Department looks forward to working closely with Congress on any legislative proposals.

*Question 12.* What are the Department and the FAA doing to ensure that we continue to have enough commercial airline pilots to meet current and future demand? We should not do anything to lower the safety bar. Colgan Air flight 3407 taught us the importance of experience and training for our flight crews. Given that, what steps can the DOT and Congress take to further develop the aviation workforce in a way that appropriately addresses this pilot supply issue?

Answer. We agree that lowering safety standards is not an option to address the pilot supply issue. Airlines and aviation industry as a whole needs to be at the forefront to address this issue successfully.

While the aviation industry is responsible for growing the workforce, DOT is working to support industry efforts with the following actions:

- The FAA released a second round of funding for the Aircraft Pilots Workforce Development Grants Program earlier this year that will help foster aviation interest in high school students with curriculum and experiences that should be designed to get them started toward careers in aviation.
- The FAA will shortly release a second round of funding for the Aviation Maintenance Technical Workers Workforce Development Grants Program that will support the education and recruitment of aviation maintenance technical workers and the development of the aviation maintenance workforce.
- Each FAA region has adopted a school to work with to expand STEM education and foster an early interest in aviation. In addition, the FAA has offered a successful program, the Airport Design challenge, which provides students K-12 an opportunity to design an airport using Microsoft Minecraft, while learning about aspects of an airport. This program has been extremely successful in the first three iterations, with hundreds of students enrolling in each iteration. More in-

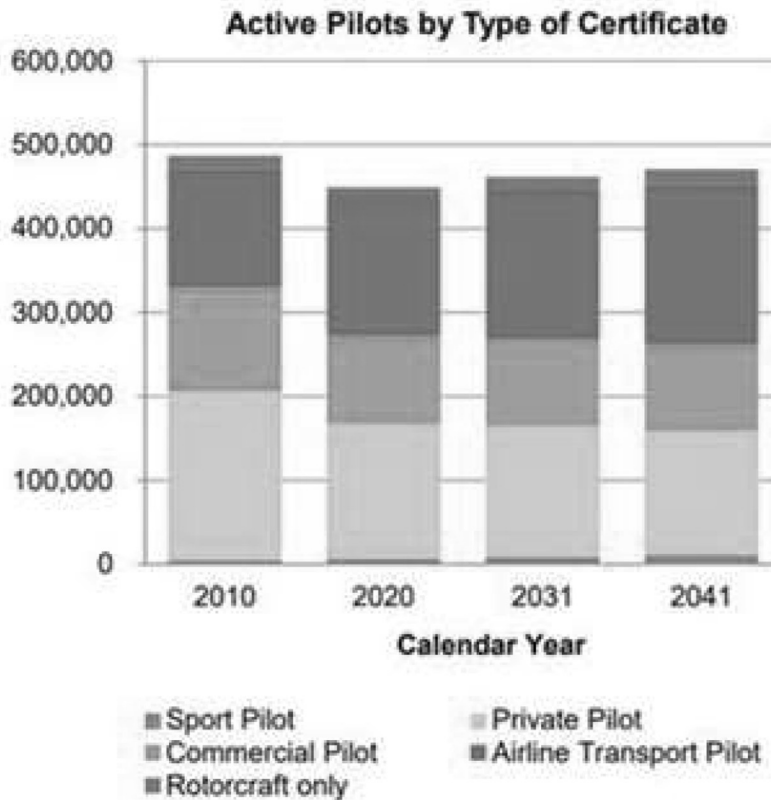
formation can be found at the following link: <https://www.faa.gov/airport-design-challenge>.

- The FAA is also finalizing a MOU with the Smithsonian Air and Space Museum focused on STEM education.

We have also entered discussions with the Department of Education and the Department of Labor on how we could use their programs to help increase financing for flight training, enhance recruitment and develop apprenticeship programs that place a diverse talent pool on track to successfully complete flight training.

*Question 13.* What is the Department’s and the FAA’s measurement of the available commercial airline pilot and demand, if any? How many airline transport pilot licenses (ATPLs) and restricted privileges airline transport pilot licenses (R-ATPLs) does the FAA project to issue in the next 5 years and how does that correspond with demand for pilots from the U.S. airline industry, as calculated by the Federal government?

*Answer.* The FAA conducts a forecast of pilots based on the number of active certificates, by the supply side, considering the active fleet of commercial airlines and of business jets (FAA Aerospace Forecast Fiscal Years 2022–2042, Table 30). The forecast shows an increase in the number of ATP certificates during the upcoming 20-year period as in the following chart from the 2021 Aerospace forecast. The FAA’s upcoming forecast projects that the total number of ATP certificates will return to 2019 levels this year.



**5G and Aviation Safety—July 2022 Concerns.** As you know, there is currently a voluntary agreement between telecommunications providers and the FAA to mitigate interference issues caused by deployment of 5G services and ensure the safe coexistence of aviation operations and 5G technologies. The mitigation agreement in place is set to expire in early July and there is concern that without further agree-

ment, we may see operational problems in the aviation system. I know this deadline is fast approaching and want to make sure appropriate action is taken to avoid the uncertainty we experienced in December 2021 and January 2022 about the ability for safe aviation operations to continue.

*Question 14.* Is DOT actively working with the FAA, FCC and telecoms to get a mitigation agreement that goes well beyond the current July deadline?

Answer. The deployment of 5G has raised concerns among airline operators about potential aircraft safety issues. The Department believes, and continues to work toward, the safe co-existence of aviation and 5G C-band wireless services.

Our Department has partnered with AT&T and Verizon to successfully identify 5G C-band deployment and mitigation strategies. These strategies allow nearly unimpeded access to airports for most aircraft while at the same time allowing for deployment of the vast majority of 5G C-Band antennas by the wireless companies. The burden is shared by both industries but have been kept to a minimum. The aviation industry has stepped up in developing modifications for existing equipment to improve their tolerance of the 5G environment. We expect to see those improvements installed on the fleet in the coming months.

Safety remains the Department's number one priority. While we do everything we can to ensure aviation is not a barrier to the deployment of 5G, we will not sacrifice safety.

The National Economic Council, with DOT support, continues to oversee the collaboration among various parts of the government, the aviation industry and the wireless industry. FAA meets regularly with the National Telecommunications and Information Administration (NTIA) and the Federal Communications Commission (FCC) to exchange information.

The Department expects future actions by the FCC, including spectrum auctions and new regulatory actions, will be conducted through required collaboration and due consideration to aviation safety and the concerns of stakeholders that are directly or indirectly affected, using the model for collaboration we have established for aviation and 5G C-band.

*Question 15.* Is DOT conducting or planning to conduct an independent study to clarify or validate concerns submitted to the FAA from operators about the presence of 5G interference?

Answer. We are not planning to conduct an independent study. We firmly believe 5G and the U.S. aviation system can safely co-exist. We are committed to working collaboratively with wireless companies and the aviation industry to safely address the presence of 5G interference.

*Question 16.* Some commercial U.S. aircraft operators have already begun the process of acquiring filters for radio altimeters—or new altimeters altogether—in order for their fleets to withstand fulsome deployment of 5G in the C-Band. As we look to the rollout of 6G in the future, has FAA given thought to whether aircraft equipment upgrades necessary to operate in a 6G environment should be paid for out of FCC auction proceeds? Has FAA been in contact with FCC and NTIA on this issue?

Answer. The National Economic Council, with DOT support, continues to oversee the collaboration among various parts of the government, the aviation industry and the wireless industry. FAA meets regularly with the NTIA and the FCC to exchange information.

The Department expects future actions by the FCC, including spectrum auctions and new regulatory actions, will be conducted through required collaboration and due consideration to aviation safety and the concerns of stakeholders that are directly or indirectly affected, as was the case for aviation and 5G C-band.

**Port Infrastructure Grants.** Secretary Buttigieg, I worked hard to secure \$2.25 billion in the Infrastructure Investment and Jobs Act (PL 117–58) over the next five years for the Port Infrastructure Development Grant Program. I'm frustrated to hear from constituents about delays in evaluating project applications, delays in the awards of funding, and delays in budget amendments to existing grant awards. The supply chain challenges that began with the COVID–19 pandemic continue to be a regular concern for our economy and consumers. We need to move goods through our ports as quickly as possible, that is why I fought for this investment in port infrastructure.

*Question 17.* Will you commit to work with us to identify ways to streamline the Port Infrastructure Development Program grant process, including reviews of applications, awarding of grants, facilitating budget amendments, and ensuring harmonized approaches to environmental reviews to help get funding on the ground, faster?

Answer. Yes, I agree that investing in our port and intermodal infrastructure, as quickly as possible, is critical to strengthening U.S. supply chains, and the Bipartisan Infrastructure Law's (BIL) more than \$2.25 billion toward the Port Infrastructure Development Program (PIDP) and Marine Highway programs will be a big part of that. The Department is working closely with MARAD and other Operating Administrations to implement BIL provisions, including the PIDP Grant Program, expeditiously and consistent with the requirements laid out by Congress and the Administration's priorities. PIDP grant awards of approximately \$703 million were most recently announced in October 2022.

In the National Defense Authorization Act of 2022, we changed the criteria of the Port Infrastructure Development Program to allow ports that will receive grant funding to more efficiently use their own money to start projects prior to receipt of Federal funds, with your Department's permission. This helps start projects faster, which has never been more important. I have heard from stakeholders that the Maritime Administration ("MARAD") has interpreted this language so that pre-award costs must be included in the proposed budget in the grant application and be for pre-construction activities. To be an allowable expenditure, MARAD also requires the National Environmental Policy Act ("NEPA") compliance to be completed, not yet be incurred or expended, and comply with all Federal requirements. MARAD's interpretation of this provision limits its utility, as design and permitting are often done before grant awards are announced. Further, most applicants only start NEPA compliance once they know they are receiving an award. Pre-NEPA construction costs should be eligible under the language in the National Defense Authorization Act.

*Question 18.* Will you commit to work with me to ensure that MARAD is using its authority to the greatest extent possible to get projects started and improve the movement of goods through our ports?

Answer. Yes, I am committed to ensure projects are started expeditiously consistent with law and improving the movement of goods through our ports.

**Culvert Grant Program.** Secretary Buttigieg, the Infrastructure Investment and Jobs Act (PL 117-58) included a new program to address salmon-blocking culverts. This program's intent is to boost salmon recovery while correcting historical infrastructure injustices that have harmed fishery-dependent Treaty Tribes and other communities that rely on healthy fish stocks. In the state of Washington, there are 1,000 state-owned culverts blocking salmon from reaching their spawning grounds, and many more culverts that are currently being assessed.

Secretary Buttigieg, I fought to secure \$1 billion over the next five years for this new program. We need both the Department of Transportation's expertise to address roads, bridges, and culverts, and NOAA's expertise with fish passage and salmon science. Finally, Tribes play a key role in salmon restoration and co-management. I urge the Department to work closely with our Tribes in the development of the National Culvert Removal, Replacement, and Restoration Grant Program.

*Question 19.* How will the Department ensure that the best available fisheries science will be used in the design of the new National Culvert Removal, Replacement, and Restoration Grant Program?

Answer. The Department has ensured that the new National Culvert Removal, Replacement, and Restoration Grant Program (Culvert AOP Program) was designed using the best available fisheries science by consulting with the National Oceanic and Atmospheric Administration (NOAA) and the United States Fish and Wildlife Service (USFWS), who administer their own fish passage programs and who use the best available fisheries science in their programs, and leveraging the experience of the Federal Highway Administration's (FHWA) Federal Lands Highway Division, which has assisted Tribes and Federal Land Management Agencies in producing viable, state of the practice aquatic organism passage (AOP) projects across the United States. NOAA and USFWS participated in developing FHWA's Culvert AOP Program Notice of Funding Opportunity, which was released on October 6, 2022. Going forward, the Department will: 1) continue to remain current on the overall state of the science and practice; 2) advance the state of practice by conducting DOT and collaborative research into AOP and the associated hydrologic and geomorphic elements of AOP to advance and evolve practice; 3) engage in efforts to capture and apply national approaches (including training, videos, pilot studies, and lessons learned); and 4) provide technical assistance opportunities.

*Question 20.* Will you work with NOAA to ensure that projects have the maximum potential for salmon recovery outcomes? Please describe in detail the interagency process that will be used to incorporate interagency expertise.

Answer. Yes, FHWA is consulting with NOAA and USFWS to achieve the greatest conservation benefit for anadromous fish, consistent with our statutory responsibil-



ities under the BIL and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.). FHWA participated in a Partner Workshop hosted by USFWS in July 2022 at their National Conservation Training Center in Shepherdstown, West Virginia. USFWS brought together Federal agencies, including NOAA, Tribal representatives, state fish and wildlife agencies, and non-governmental organizations to identify shared goals and improve collaboration and coordination related to fish passage programs in BIL. NOAA and USFWS are uniquely positioned to coordinate fish passage efforts among the Federal family and will participate in FHWA's grant review process to maximize conservation outcomes.

*Question 21.* It is important that NOAA is involved in both the design of the program, as well as implementation and grant selection. How will the Department work with NOAA in grant selection?

Answer. As required by the BIL, FHWA consulted with NOAA and USFWS on the Culvert AOP Program to establish a process for determining criteria for awarding grants under the program, and to establish procedures to prioritize awarding grants under the program for certain projects as described in BIL. NOAA and USFWS will participate in FHWA's grant review process, as described in the NOFO, to maximize conservation outcomes.

*Question 22.* Please describe the process that the Department will use to ensure the appropriate coordination and consultation with Tribes on the design and implementation of the program.

Answer. FHWA is consulting with NOAA and USFWS to develop a process to provide technical assistance to Indian Tribes and underserved communities to assist in the project design and grant process and procedures, as required in the BIL. Additionally, the Department and FHWA have already and will continue to coordinate with Tribal governments to capture the insights and needs of Tribes in all facets of the program and to administer technical assistance such as webinars, instructional videos, and other online materials. FHWA participated in a Partner Workshop hosted by the USFWS in July 2022 that brought together Federal agencies, including NOAA, Tribal representatives, state fish and wildlife agencies, and non-governmental organizations to identify shared goals and improve collaboration and coordination related to fish passage programs in BIL. FHWA's Partner Workshop coordination will be ongoing throughout implementation of the Culvert AOP Program. FHWA also co-facilitated, with USFWS, three Tribal listening sessions in September 2022 to collect insights and needs relating to the Culvert AOP Program as well as the USFWS National Fish Passage Program.

A Notice of Funding Opportunity was released for the Culvert AOP Program on October 6, 2022.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RICHARD BLUMENTHAL TO  
HON. PETE BUTTIGIEG

*Safe Driver Apprenticeship Pilot Program.* The Infrastructure Investment and Jobs Act established the Safe Driver Apprenticeship Pilot Program, a three-year program that allows 18-, 19-, and 20-year-olds to operate commercial motor vehicles (CMVs). According to reports, CMV drivers under the age of 19 are four times more likely to be involved in fatal crashes, as compared to CMV drivers who are 21 years of age and older, and CMV drivers ages 19–20 are six times more likely to be involved in fatal crashes when compared to CMV drivers 21 years and older.

In its Federal Register notice, the Federal Motor Carrier Safety Administration (FMCSA) said it “will compare the safety performance data of 18-, 19-, and 20-year-old intrastate drivers to known safety performance of intrastate drivers and interstate drivers. FMCSA will use existing data from FMCSA systems to compare current safety and performance of CMV operators to the safety and performance of apprentices participating in the pilot program.”

*Question 1.* Does the FMCSA plan to make this safety comparison data available to the public throughout the program and prior to launch? If so, please explain the process of doing so; if not, please explain why not.

Answer. FMCSA will be compiling the comparison data after conclusion of the pilot program. Compiling comparison data after the pilot allows the analysts to account for key factors such as carrier sizes, profiles, geographic driving profiles, or other factors that may be potentially important in developing a comparison sample. The comparison data that is ultimately used will be made available publicly without personally identifiable information as part of the public use data set released at the end of the study. The data being used for comparison will be collected through FMCSA systems such as the Motor Carrier Management Information System

(MCMIS) and the NHTSA Fatality Analysis and Reporting System (FARS) throughout the same time frame as the pilot program data is being collected.

*New Entrant Knowledge Test Rulemaking.* In 1999, Congress required the U.S. Department of Transportation to initiate a rulemaking to ensure that new applicant motor carriers are knowledgeable about safety standards before being granted New Entrant authority through a proficiency examination or other alternatives. When the interim final rule was published in 2002, the Federal Motor Carrier Safety Administration (FMCSA) decided not to require a proficiency examination because “it believes that the educational and technical assistance materials provided to the new entrants and the safety certifications on the required application forms will demonstrate the new entrants understand applicable safety regulations.” In 2009, FMCSA announced an advanced notice of proposed rulemaking of whether to include a proficiency examination in further revision of the New Entrant Safety Assurance Process. Despite inclusion on the January 2022 Significant Rulemaking Report, no further action has been taken.

*Question 1.* Please provide an update on the status of further revisions to the New Entrant Safety Assurance Process to include a proficiency examination, including a specific timeline for rulemaking.

Answer. The Agency is currently exploring regulatory options concerning new entrant knowledge testing. Any updates regarding the rulemaking timeline will be reflected in future Unified Agendas for Regulatory and Deregulatory Actions.

*Pre-employment Screening Program.* Since 2009, the Federal Motor Carrier Safety Administration’s (FMCSA) Pre-employment Screening Program (PSP) has provided motor carriers with critical data for evaluation of driver applicants’ safety records. In 2013, results of a study from FMCSA found that motor carriers using PSP reduced their crash occurrences by 8 percent more, on average, than motor carriers who did not incorporate PSP in their hiring process. A number of truck and bus safety stakeholders have expressed support for expanding PSP to allow access to driver safety data on an ongoing basis rather than just during the hiring process.

*Question 1.* Does the FMCSA support expanding PSP so data is available on an ongoing basis? If so, please describe the steps necessary to achieve this; if not, please explain why not.

Answer. Data under the PSP is available on an ongoing basis in that the driver data contained in the accident and inspection reports identified in 49 U.S.C. 31150(a) continues to be amassed and available to new prospective employers who utilize the PSP every day. The current language in 49 U.S.C. 31150 limits the Department’s provision of this information to persons conducting preemployment screening.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. EDWARD MARKEY TO  
HON. PETE BUTTIGIEG

*Airport Service Workers.* Airport service workers play an essential role in ensuring that Americans have access to safe, reliable air travel. Too often, these workers’ critical contributions go unnoticed. But throughout the pandemic, their importance has never been clearer. Unfortunately, these workers—who are disproportionately people of color—are often overworked and underpaid.

*Question 1.* Can you briefly describe the essential role that airport service workers play in our air travel system?

Answer. Airport service workers provide direct assistance to passengers; handle baggage; clean, fuel, and cater aircraft; provide retail and food services in airport terminals; and help ensure security for the flying public. Each of these roles is critical to the safe and efficient operation of the aviation system and enhance the travel experience of the flying public.

*Question 2.* Do you agree that airports are safer when airport service workers earn a living wage and benefits?

Answer. The FAA maintains strong safety oversight for air carriers and airports that ensures safe and effective airfield and ramp operations, and the Transportation Security Administration maintains a strong oversight regime to ensure security for aircraft and airport operations. These oversight regimes require that anyone interacting with aircraft are vetted, properly trained, and perform their job functions in a manner consistent with the highest levels of safety and security for aircraft operations and the flying public. Airport employment practices are generally subject to Federal and state employment laws. The FAA supports the enforcement of all such applicable laws to ensure fairness in wages and benefits.

**IIJA Implementation.** Can you please provide an update on progress towards implementing the following provisions in the Infrastructure Investment and Jobs Act:

*Question 3.* The Advanced Notice of Proposed Rulemaking to update seat back safety standards, IIJA § 24204.

Answer. NHTSA is working to issue an Advance Notice of Proposed Rulemaking to update FMVSS No. 207, “Seating systems,” in accordance with section 24204 of the Bipartisan Infrastructure Law by the statutory deadline.

*Question 4.* Evaluation of Early Warning Reporting (EWR) data to identify improvements, IIJA § 24216.

Answer. NHTSA is currently conducting information gathering as part of its process of developing proposals for improving Early Warning Reporting (EWR). NHTSA has conducted extensive outreach with stakeholders including industry groups and individual manufacturers representing the various EWR reporting categories: light vehicles, buses, medium and heavy vehicles, recreational vehicles, motorcycles, tires, and child restraints. Once the information gathering process is complete, NHTSA will prepare recommended improvements along with the report to Congress as required by section 24216 of the BILL.

*Question 5.* Establishment of a grant program for states to inform owners and lessees of motor vehicles about open recalls at the time of registration, IIJA § 24103.

Answer. NHTSA issued a Notice of Funding Opportunity (NOFO) for this grant program in FY 2022. While the agency did not receive any applications for FY22, it is now preparing to issue a NOFO for FY 2023 grants. NHTSA has conducted outreach to States and the American Association of Motor Vehicle Administrators and will continue its efforts to promote this funding opportunity in 2023.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TAMMY DUCKWORTH TO  
HON. PETE BUTTIGIEG

**Prioritizing Accessibility.** Modernizing our transportation systems so that all Americans may enjoy them, including people living with disabilities requires greater funding and better laws. It also requires leaders to instill inclusive and universal design principles into every facet of a project, from planning to implementation. The Federal Highway Administration is implementing this through its budget request by including a commitment to evaluate its American with Disabilities Act program to make sure it’s being effectively implemented.

*Question 1.* Will you commit to directing all relevant DOT component agencies to follow the lead of FHWA in conducting comprehensive ADA program evaluations and more importantly, requiring these agencies to use the findings to inform and guide efforts to make accessibility and universal design principles a top priority across programs?

Answer. The Bipartisan Infrastructure Law offers a generational opportunity to improve access for people with disabilities. Reinvigorating programmatic enforcement of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act across all relevant DOT components is key to realizing that promise. It is a commitment in our Equity Action Plan and all Operating Administrations have been asked to incorporate equity priorities into their budgets and share best practices and insights.

**All Stations Accessibility Program (ASAP) Act Implementation.** The Biden administration recognizes the importance of establishing the historic \$1.75 billion All Stations Accessibility Program through enactment of the Bipartisan Infrastructure Law. In Illinois, the Chicago Transit Authority is anxious to submit applications for ASAP grant funding as they’ve had a detailed ASAP Strategic Plan in place since July 2018. CTA is eager to access resources that will accelerate its implementation.

*Question 2.* What is the current timeline for implementation of the ASAP Act, including a rough date of when the Federal Transit Administration will begin accepting applications.

Answer. On July 26, 2022, the 32nd anniversary of the Americans with Disabilities Act, the Federal Transit Administration (FTA) released the All Stations Accessibility Programs Notice of Funding Opportunity (NOFO). Applications were due October 7, 2022, and FTA is currently reviewing applications.

**Improving Air Travel for Disabled Passengers.** Disability complaints related to air travel have significantly increased. In January, disability complaints were up 34 percent compared to January 2019, and in February, disability complaints were

up 51 percent from February 2019. This steep uptick in disability complaints has not been paired with a commensurate increase in enforcement action. The market has failed to fix this long-standing problem, while air carriers appear to fear no consequence from Federal regulators.

*Question 3.* What enforcement actions will the Department take to hold air carriers accountable for violating civil rights of passengers with disabilities on a routine and regular basis?

Answer. The Department is committed to ensuring a safe and accessible air transportation system. We know that transportation can be a barrier to opportunity—or, as we aim to promote, it can be a way to break down barriers and allow everyone to reach their fullest potential.

The Department takes seriously our responsibility to advance access to air transportation for individuals with disabilities, and we recognize that enforcement of the rules prohibiting discrimination against individuals with disabilities is an important component of that responsibility. We have renewed our focus on investigating allegations of disability-based discrimination in air transportation and are taking enforcement action when an investigation leads us to conclude that egregious or systemic violations have occurred.

The Department has also taken other steps towards improving accessibility for airline passengers. In March 2022, we proposed a new rule that would increase the size of lavatories on single-aisle aircraft, so passengers who use wheelchairs can better access them. To address concerns about inadequate training for airline personnel who handle wheelchairs or physically lift people onto or out of their aircraft seats, we recently initiated work on a rulemaking that would improve training for these employees and make mishandling wheelchairs a per se violation that is subject to fines.

Additionally, on July 8, 2022, the Department published the first-ever Airline Passengers with Disabilities Bill of Rights, an easy-to-use summary of the fundamental rights of air travelers with disabilities under the Air Carrier Access Act. Its goal is to empower air travelers with disabilities to understand and assert their rights and help ensure that U.S. and foreign air carriers and their contractors uphold those rights. It was developed using feedback from the Air Carrier Access Act Advisory Committee, which includes representatives of passengers with disabilities, national disability organizations, air carriers, airport operators, contractor service providers, aircraft manufacturers, wheelchair manufactures, and a national veterans organization representing disabled veterans.

***Digital Construction Management Systems.*** With hundreds of billions of dollars in new taxpayer money being spent on infrastructure projects around the country, it is more important than ever to ensure that money is spent wisely as labor shortages and supply chain problems have slowed work and made capital projects more costly. Investing in and prioritizing proven digital technologies to plan, model, construct and maintain infrastructure is vital because these technologies save project sponsors time and money.

*Question 4.* How will the Department evaluate whether project sponsors are utilizing digital construction management systems to achieve program objectives as it implements different Bipartisan Infrastructure Law programs and awards competitive grants?

Answer. The Department is in constant communication with state and local project sponsors, industry stakeholders, representatives and interest groups in order to provide technical assistance to communities on all types of industry best practices. In addition, the Department will assess the continued progress of States in adopting advanced digital construction management systems (ADCMS) and report those findings to Congress and the public as required by BIL Section 13006. FHWA is also working on implementation of the ADCMS program authorized under 23 U.S.C. 503(c)(5), which will promote, implement, deploy, demonstrate, showcase, support, and document the application of advanced digital construction management systems, practices, performance, and benefits.

***GPS Resiliency and Backup.*** The U.S. Global Positioning System (GPS) is critically important to our nation, providing position, navigation and timing (PNT) services that underlie our economic and national security. Unfortunately, GPS systems are increasingly threatened by disruption, jamming, and attacks by malicious actors, including the most recent reports of Russia interfering with U.S. provided GPS signals abroad. The Department and other agencies throughout the Administration have been studying this issue for decades.

*Question 5.* What is the status of backup GPS in light of documented concerns over jamming and spoofing and what is the timeline for the Department's action on operational testing?

Answer. As part of the FY 2022 President's Budget, DOT proposed a \$17 million investment to support a more resilient civil GPS and to enable more responsible Positioning, Navigation, and Timing (PNT) usage. The FY 2022 Omnibus also provided an additional \$5 million above the FY 2022 request for the implementation of the Complementary PNT and GPS Backup Technologies Demonstration Report, published in January 2021.

Implementation of FY 2022 funding supports two significant PNT resilience efforts:

- \$15 million to implement the recommendations of the Complementary PNT and GPS Backup Technologies Demonstration Report.
- \$7 million to develop capabilities for civil GPS performance monitoring and interference detection, and signal authentication. This work is in support of implementation of Executive Order 13905, "Strengthening National Resilience Through Responsible Use of Positioning, Navigation, and Timing Services," which provided new requirements for responsible PNT usage.

DOT's focus is on facilitating adoption of complementary PNT technologies into end-user applications by developing a similar level of standards, resiliency and vulnerability testing, and performance monitoring as exists for GPS. DOT convened a Complementary PNT Industry Roundtable on August 4, 2022, to bring PNT service providers and Critical Infrastructure users together to discuss facilitating adoption of technologies so users are assured that they will get the GPS backup and/or Complementary PNT services they need to operate safely <https://www.transportation.gov/pntindustryround>.

- It will take a combination of the awareness of PNT vulnerabilities, investments by owners/operators of critical infrastructure, and vulnerability testing to ensure the transition from experimentation to actual adoption of Complementary PNT services and products.
- DOT is developing an action plan of concrete recommendations from the roundtable that lead to demonstratable progress on the adoption of Complementary PNT capabilities.

DOT, in coordination with DHS, is developing PNT contract language to require Federal adoption of resilient PNT solutions into transportation and other critical infrastructure sectors applications. The intent is that once PNT resilience Federal contract language is developed, it will be adopted by end users in the Transportation Systems Sector. An example of where this contract language will be applied is through a pilot program with the Maritime Administration (MARAD) focused on GPS jamming and spoofing detection and mitigation capabilities in Ready Reserve Force Fleet vessels.

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RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. JON TESTER TO  
HON. PETE BUTTIGIEG

***Energy Independence.*** I believe that our Nation must also stand up to President Putin's despicable acts by strengthening our energy independence and helping our allies access American energy as they look for options to pivot away from purchasing Russian energy.

*Question.* Can the Department commit to expeditiously approving deepwater port applications sitting with the United States Maritime Administration that have fulfilled all NEPA requirements and would help stabilize global energy markets?

Answer. The Department commits to continue to work closely with the United States Coast Guard (USCG) and other Federal and State agencies, as quickly as possible through a specific review process, to evaluate deepwater port license applications to issue a Record of Decision documenting the approval or disapproval of the application.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BEN RAY LUJÁN TO  
HON. PETE BUTTIGIEG

Secretary Buttigieg, I want to thank you for working with me to pass the HALT [Honoring Abbas Family Legacy to Terminate] Drunk Driving Act as part of the bipartisan infrastructure law. This law requires all new passenger cars to include im-

paired driving technology to end drunk driving once and for all. Now it's up to you and NHTSA [the National Highway Transportation Safety Administration] to implement this statute.

However, I'm concerned. The National Roadway Safety Strategy you released in January of this year said that you would QUOTE "initiate a rulemaking" for other safety standards. But when your report discussed the HALT/RIDE Act, you said QUOTE "consider a rulemaking effort." I'm concerned that your office is holding this requirement to a lesser standard.

*Question 1.* Mr. Secretary, did initial drafts of the National Roadway Safety Strategy say that NHTSA would "initiate a rulemaking" required by Section 24220 of the IIJA?

Answer. The National Roadway Safety Strategy (NRSS) used the phrase "consider a rulemaking" for the action related to advanced impaired driving prevention technology to convey that we are working to gathering data that would support a rulemaking implementing Section 24220. NHTSA is, in fact, initiating a rulemaking.

*Question 2.* Mr. Secretary, does "consider a rulemaking effort" on pages 24 and 36 indicate a lower standard or a lower priority for the rulemaking statutorily required by Section 24220 of the IIJA?

Answer. No. The language conveyed the deliberative status of the rulemaking when the NRSS was written, which is consistent with the relevant BIL provisions and the requirements in the Administrative Procedure Act and the other relevant statutes, Executive Orders, and guidance applying to Executive agencies.

*Question 3.* Mr. Secretary, will DOT and NHTSA "initiate a rulemaking" to establish motor vehicle safety standards to require passenger motor vehicles manufactured to be equipped with advanced impaired driving prevention technology? If so, when?

Answer. Yes, NHTSA initiated a rulemaking in 2022 for advanced impaired driving prevention technology (RIN: 2127-AM50), as reflected in the Department's Spring 2022 Regulatory Agenda. Any updates on the projected timeline for that rulemaking will be reflected in a subsequent Regulatory Agenda.

*Question 4.* Mr. Secretary, the statute requires you to establish this rule. Not "consider" it. Why then did your office say that DOT and NHTSA will "consider" this rulemaking?

Answer. The language conveyed the deliberative status of the rulemaking when the NRSS was written, which is consistent with the relevant BIL provisions and the requirements in the Administrative Procedure Act and the other relevant statutes, Executive Orders, and guidance for Executive agencies. NHTSA is committed to carrying out the research and analysis necessary to fulfill the statutory requirements in implementing Section 24220 of BIL.

In December, I had the opportunity to question NHTSA Administrator Dr. Steven Cliff about the Department's work to put an end to side underride crashes. I would like to follow up on the progress the Department has made since then.

In a response to questions for the record following the hearing, Dr. Cliff stated that NHTSA is working to complete research regarding underride guards, as is required by the Infrastructure Investment and Jobs Act, "as soon as possible."

*Question 5.* Mr. Secretary, can you give a specific time-frame on when we can expect this research to be finished?

Answer. NHTSA has completed the research on side underride guards' feasibility, benefits, and costs. As required by BIL, NHTSA expects to publish a Federal Register notice as part of RIN 2127-AM54 to seek public comment on the agency's research findings on side underride guards.

In addition, I asked Dr. Cliff for a timeline on setting up the Advisory Committee On Underride Protection, which was also established in the infrastructure bill. Dr. Cliff responded that NHTSA is working "expeditiously" to establish the Committee and publish a meeting schedule "as soon as practicable."

*Question 6.* Mr. Secretary, can you give a specific timeline on when we can expect this Committee to be established?

Answer. The Advisory Committee on Underride Protection was established on June 30, 2022. On July 6, 2022, NHTSA issued a Federal Register Notice soliciting nominations for appointment to the Advisory Committee on Underride Protection (87 FR 40346). The public comment period closed on August 5, 2022 and the Department is working to finalize selection and appointment to the Committee.

These collisions are preventable, and with investment and research in necessary technologies, we can save lives. When I questioned Dr. Cliff earlier this Congress, he made a commitment to me that he would dedicate "the necessary time and resources" to do the research to prevent these crashes. Given the importance of this

issue and the devastating consequences if we do not solve it, we need all of the Department of Transportation to share in this commitment, including leadership at the very top.

*Question 7.* Mr. Secretary, will you commit to providing the necessary time and resources to doing the research necessary to understand existing and future technologies to prevent side underride crashes?

Answer. Yes. We have research underway to understand existing and future technologies to prevent side underride crashes. In FY 2022, NHTSA initiated research to characterize the rear, side, and rear oblique appearance of the trailers for camera, radar, lidar, and fused (*i.e.*, combined) sensors used by advanced driver assistance systems (ADAS) and automated driving systems (ADS) crash avoidance applications. NHTSA is also working to publish an advance notice of proposed rulemaking that considers requirements for side underride guards on trailers and semitrailers to mitigate underride crashes. This action will respond to a provision in BIL Section 23011 to conduct research on side underride guards to assess their effectiveness, feasibility, costs, and benefits and report the findings in a Federal Register notice to seek public comment. The results of this BIL mandated research will inform the agency's rulemaking decisions.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RAPHAEL WARNOCK TO  
HON. PETE BUTTIGIEG

*DOT Matching Requirements for Under-resourced Communities.* Many of the Department of Transportation's (DOT) programs require grant recipients to match Federal dollars with non-Federal funding. Cities and localities in Georgia have the option to enact Special Purpose Local Option Sales Taxes to help fund transportation projects and to meet Federal match requirements. However, as the costs associated with transportation projects increase, many localities across Georgia are approaching their constitutional limits in increasing sales taxes for transportation, which could jeopardize opportunities for Federal funding for lower-income and under-resourced communities. Equity, inclusion, and environmental justice are a top priority for me, and I am concerned that disadvantaged and low-income communities will be the least capable of meeting the DOT's requirements.

*Question 1.* Does the Department of Transportation recognize the inability of under-resourced communities to meet the agency's matching requirement as a barrier to achieving the goal of reconnecting communities and building out transportation infrastructure in underserved and disadvantaged communities?

Answer. We recognize the barriers underserved communities face in accessing infrastructure investments, including limited resources to meet matching requirements or even to develop successful discretionary grant applications. We are committed to ensuring that underserved, overburdened, and disadvantaged communities in urban and rural areas benefit from access to Bipartisan Infrastructure Law (BIL) investments. DOT has ramped up technical assistance specific to the needs of these communities.

For example, the Thriving Communities Program will provide in-depth, hands-on technical assistance and capacity building to help disadvantaged communities advance transformative, equitable and climate-friendly infrastructure projects. As the program launches in early 2023, it is being coordinated with other Federal place-based technical assistance programs to maximize impact especially for smaller under-resourced communities. This includes improved collaboration between Federal field and regional staff to support communities in identifying and preparing to apply for Federal funding as part of a Thriving Communities network.

Additionally, the Rural and Tribal Assistance Pilot Program will help rural State, local, and Tribal governments with early project development activities, including financial advisory services. The Reconnecting Communities Pilot Program includes funding for technical assistance and planning in addition to capital construction grants to ensure communities can equitably prepare for and access these resources.

Lastly, the Department launched the DOT Navigator, a new resource to help communities understand the best ways to apply for grants, and to plan for and deliver transformative infrastructure projects and services. The DOT Navigator provides general information to develop grant applications and understand frequently required documents. It provides a menu of technical assistance resources, including contacts to DOT regional and field offices, available to help new and repeat grantees to realize their communities' vision for moving goods and people safely, efficiently, sustainably, and equitably. The DOT Navigator also provides a guide to Understanding Non-Federal Match Requirements, which includes instructions for calcu-

lating the amount of non-federal match required, an overview of programs allowing a reduced match, and tips for applicants on meeting their match requirements.

We are looking closely at the matching and eligibility requirements for each grant program under the law and helping potential applicants navigate which programs are best for them and how to build successful applications.

*Question 2.* What is the Department of Transportation doing to ensure disadvantaged and under-resourced communities are able to participate in DOT grant programs that help build, restore, and improve transportation?

Answer. The BIL provides \$1 billion for discretionary grants over five years for the Reconnecting Communities Pilot Program. The Reconnecting Communities Pilot Program will provide States, metropolitan planning organizations, local and Tribal governments, and nonprofit organizations with planning and capital construction grants to help remove barriers to mobility, access, or economic development due to high speeds, grade separations, or other design factors.

The Department is prioritizing technical assistance for this program to economically disadvantaged recipients that demonstrate need as underserved, overburdened, and disadvantaged communities. It is intended to help build capacity to engage in transportation planning and to identify innovative solutions to infrastructure challenges, including reconnecting communities that are bifurcated by eligible facilities or lack safe, reliable, and affordable transportation options.

In addition to the Reconnecting Communities Pilot Program, the Thriving Communities Program will provide in-depth, hands-on technical assistance and capacity building to help disadvantaged communities advance transformative, equitable and climate-friendly infrastructure projects. As the program launches in early 2023, it is being coordinated with other Federal place-based technical assistance programs to maximize impact especially for smaller under-resourced communities. This includes improved collaboration between Federal field and regional staff to support communities in identifying and preparing to apply for Federal funding as part of a Thriving Communities network. Lastly, the Rural and Tribal Assistance Pilot Program will also help rural State, local, and Tribal governments with early project development activities, including financial advisory services.

*Transit Workforce Development.* Transit authorities in Georgia, including Chatham Area Transit (CAT) in Savannah, are experiencing substantial economic growth as more Georgians use public transportation. Simultaneously, CAT has experienced reductions in its workforce due to the COVID-19 pandemic and increased regional competition. Additionally, new affordable housing is primarily concentrated in outlying areas not currently served by CAT, making it more difficult to attract and retain new riders and workers. This workforce shortage has forced CAT to temporarily close some of its routes, which disproportionately affects people who live in affordably priced housing and rely on CAT to get to jobs, school, and medical appointments.

*Question 3.* What is the Department doing to assist transit authorities experiencing workforce shortages in the midst of the COVID-19 pandemic? What programs does the Department manage that provide education and resources to transit authorities related to workforce development, successful recruitment, and best practices?

Answer. The Federal Transit Administration (FTA) has established the Transit Workforce Center to help provide information on workforce strategies and best practices to transit agencies. There is no direct funding for training or workforce development programs available through this program, however.

The Bipartisan Infrastructure Law amended the statutory provisions for the Grants for Buses and Bus Facilities Competitive Program and the Low or No Emission Program to include the requirement that any application for projects related to zero-emission vehicles include a Zero-Emission Transition Plan. Applicants for zero-emission vehicles must also dedicate five percent of their award on workforce development and training as outlined in their Zero-Emission Transition Plan. This funding is intended for workforce programming for the maintenance staff that is at risk of displacement from fleet transition. FTA did encourage transit agencies to use the funding to take a broader approach to workforce development where possible. Awards were announced in August 2022.

Additionally, recipients of funding under the State of Good Repair, Urbanized Area Formula, and Buses and Bus Facilities programs can use up to 0.5 percent of their grant award for workforce development activities and an additional 0.5 percent for training at the National Transit Institute (NTI). Workforce development can include on-the-job training, site visits, or a training program sponsored by a transit agency.



*Sustainable Aviation Fuel (SAF).* Sustainable Aviation Fuel (SAF) holds significant potential as a tool for decarbonization in the aviation industry. However, the nascent market remains underdeveloped with SAF being three to five times as expensive as traditional jet fuel and the supply fails to meet the demand of aircraft carriers. A bill I introduced, S. 3125, the Aviation Emissions Reduction Opportunity (AERO) Act, would help catalyze the market and make SAF more cost competitive by creating a grant program for alternative fuel and low-emission aviation technology.

*Question 4.* Would the SAF and low-emission technologies programs within the AERO Act assist DOT and the U.S. as whole in becoming a global leader in sustainable aviation? If so, in what ways?

Answer. Yes, the sustainable aviation fuels (SAF) and low-emission technologies programs within the AERO Act would help to continue longstanding DOT and U.S. leadership in sustainable aviation, and the provisions in the recently enacted Inflation Reduction Act (IRA) follows the AERO Act's goals. The IRA includes the Alternative Fuel and Low-Emission Aviation Technology Grant Program to carry out projects in the United States that produce, transport, blend, or store sustainable aviation fuel (SAF), or develop, demonstrate, or apply low-emission aviation technologies, which the Department is working diligently to implement. The law also includes an SAF fuel credit for alcohol fuel, biodiesel, and alternative fuel mixtures.

*Question 5.* How is DOT currently working with public and private sector stakeholders to promote and advance SAF and low-emissions technology development and production?

Answer. Over the last decade plus, DOT has established strong public-private partnerships with a focus on sustainable aviation. For example:

- We have the Continuous Lower Energy, Emissions and Noise (CLEEN) program to work with industry in a cost-share partnership to accelerate the development and introduction of aircraft and engine technologies. This program not only supports the Administration's priority to address the climate crisis through improvements in fuel efficiency and reductions in emissions, but it also supports the development of technologies that will reduce the noise being experienced by communities and lessen the impact of aircraft operations on air quality.
- We also have several partnerships with others in the government as well as the private sector to advance the development of SAF.
- Under the overarching framework of the U.S. National Aviation Climate Action Plan, which the Administration launched in 2021 at the 26th Conference of the Parties to the United Nations Framework Convention on Climate Change (COP-26) with the strong support of the U.S. aviation industry, the Department has been working with the Departments of Energy and Agriculture to develop and implement the SAF Grand Challenge. The SAF Grand Challenge commits the three agencies to advancing the development and deployment of high integrity sustainable aviation fuels. The Federal agencies will work in partnership with industry to dramatically expand SAF production and availability.
- Through the Aviation Sustainability Center of Excellence (ASCENT), we collaborate with university researchers and industry stakeholders to conduct testing, analysis, and coordination activities related to SAF as well as support the development of technological innovations to address the environmental challenges facing the aviation industry.
- The FAA is also working to eliminate lead emissions. In February 2022, aviation and petroleum industry leaders and the FAA announced the EAGLE Initiative (Eliminate Aviation Gasoline Lead Emissions) that outlines how our country can safely eliminate the use of leaded aviation fuel by the end of 2030 without adversely affecting the existing piston-engine fleet.
- Since 2006 we have been working in partnership with the airlines, airports, and manufacturers to advance SAF through the Commercial Aviation Alternative Fuels Initiative (CAAFI).
- We are beginning to implement the SAF grant program and, with the Treasury Department, the SAF production and blending tax credits established under the Inflation Reduction Act. Each of these programs will directly engage private sector stakeholders.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. ROGER WICKER TO  
HON. PETE BUTTIGIEG

*Question 1.* Please explain the method by which the Department of Transportation is prioritizing the recommendations of the November 2022 National Academy of Public Administration report on addressing the critical staffing, infrastructure, and other updates needed to modernize the Merchant Marine Academy and bring Kings Point up to the standard that the midshipmen deserve. What mechanism is the department using to track progress on the steps to address each recommendation? Please provide timelines and next steps for addressing the priority recommendations.

Answer. The Maritime Administration (MARAD) and U.S. Merchant Marine Academy (USMMA) are currently working to address more than a dozen recommendations set forth in the National Academy of Public Administration (NAPA) report. MARAD is working to create the Task Force recommended by the NAPA report and required by the most recent National Defense Authorization Act (NDAA). MARAD and USMMA are also working to address NAPA recommendations in the areas of infrastructure and maintenance and sexual assault and sexual harassment (SASH) prevention—which are among the issue areas identified by NAPA as requiring immediate attention in its “Implementation Plan (White Paper).” MARAD and USMMA are also addressing recommendations in other areas, including staffing and governance—recognizing that the NAPA report indicated that USMMA needs additional expertise to be able to address the many long-standing challenges it faces.

Full implementation of the recommendations will take years of effort and resources; including recommendations that NAPA suggested should be examined and addressed under the auspices of the Task Force, which NAPA indicated could last up to two years. MARAD leadership is tracking progress toward implementation efforts that are underway, and will continue to coordinate with responsible offices to ensure ongoing progress. Intense efforts have been underway at MARAD for nearly a year to strengthen the Academy and address urgent challenges, including creation and implementation of the “Every Mariner Builds a Respectful Culture” (EMBARC) SASH Prevention program and creation of a new MARAD Office of Cadet Training and Safety. Informed by the NAPA report, efforts to address the many challenges at USMMA will continue as quickly and deliberately as possible.

*Question 2.* The tanker security fleet was fully funded in 2022. What is the current status of implementing the program?

Answer. The Maritime Administration’s interim final rule establishing the Tanker Security Program published in the *Federal Register* on December 7, 2022. The Notice of application period for the Tanker Security Program published in the *Federal Register* on December 9, 2022, and the deadline for applications is February 7, 2023.

*Question 3.* Why is the administration requesting to provide no funding to the Cable Security Fleet, a program that would ensure cable ships are available to keep our underwater cable networks functioning for economic and national security?

Answer. On September 1, 2021, MARAD awarded operating agreements to two cable repair ships: DEPENDABLE and cable repair ship DECISIVE, operated by the Transoceanic Cable Ship Company, LLC of Baltimore, MD, a subsidiary of SubCom, LLC of Eaton, N.J. While the ships are now sailing under U.S. flag in order to comply with the Cable Security Fleet (CSF) program requirements, they had both been operated by SubCom under ally flag for years prior to the CSF inaugural awards and were consistently available for hire by U.S. commercial users.

Congress provided an additional \$10 million in the FY 2022 Consolidated Appropriations Act for the Cable Security Fleet (CSF) program. Like all prior year requests, the FY 2023 Budget request does not include funding for the CSF Program because the U.S. Navy has its own cable repair capability to support federally-owned undersea cable assets and, while the program shifts two ships from ally flag to U.S. flag, it has not (and is unlikely to) result in an increase in commercially available cable repair capability. The Department is continuing to focus on executing the funds provided to date and continues to assess the effectiveness of the program.

*Question 4.* The bipartisan infrastructure law included \$36 billion in advanced appropriations for the Federal-State Partnership for Intercity Passenger Rail grant program. The up to \$24 billion for the Northeast Corridor may take years to spend as Amtrak and other railroads work out the necessary planning to implement projects effectively. Despite this, the Administration’s FY 2023 budget seeks almost \$446 million more in annual appropriations for the Fed-State program that likely cannot be spent promptly. Meanwhile, the Administration’s FY 2023 budget seeks a reduction in the annual appropriation for the Consolidated Rail Infrastructure and

Safety Improvements (CRISI) grant program, during a time of well-publicized supply chain congestion reflecting the need for investments in freight infrastructure. Can you explain the rationale behind these policy positions?

Answer. The Administration is delivering on its commitment to spark the next rail revolution with the funding secured through the Bipartisan Infrastructure Law (BIL). The FY 2023 President's Budget supports the long-term, generational investment provided by BIL that is required to improve existing and develop new rail infrastructure across our country. The FY 2023 President's Budget strikes a balance to ensure both freight rail and passenger rail mobility and safety priorities can be addressed. The United States requires both a strong freight and passenger rail network to drive economic prosperity.

The FY 2023 President's Budget includes \$1.5 billion for the CRISI program in annual and supplemental advance appropriations. This funding will enable States, local governments, and railroads to advance congestion relief projects to address freight and passenger rail chokepoints and improve rail network fluidity to more efficiently move goods from shippers to the American people.

The \$7.6 billion in annual and supplemental advance appropriations requested in FY 2023 for the Federal-State Partnership Program will help the Northeast Corridor (NEC) systematically address its state of good repair backlog and implement service improvements, as well as enhance existing intercity passenger rail corridors or develop new corridor services across the country. Prior to the passage of the BIL, the Northeast Corridor Commission identified a \$100 billion funding gap to deliver a 15-year infrastructure plan for addressing corridor state-of-good-repair and service improvement needs. Similarly, over the last 15 years, States, public rail authorities, and some private sector entities have led extensive planning efforts to prepare rail projects for investment in corridors across the country. Robust funding for the Federal-State Partnership program is required to reverse decades of underinvestment in intercity passenger rail. The American public deserves a first-rate, intercity passenger rail system that can meet the transportation challenges of today and the future.

*Question 5.* During the hearing, you indicated that any return of "mask mandates" in transportation would be a matter for the Centers for Disease Control and Prevention and the Transportation Security Administration, rather than the Department of Transportation (DOT). Thus, you indicated that the Department of Justice's (DOJ) appeal of the injunction from the Middle District of Florida in *Health Freedom Defense Fund, Inc. v. Biden* would not impact any DOT decisions. The Federal Railroad Administration (FRA), however, had issued Emergency Order No. 32, which requires facemask use in railroad operations. FRA explicitly indicated that it would cease enforcement of Emergency Order No. 32 in response to the court decision. Will DOT and FRA take further action (e.g., renewed enforcement or complete rescission of Emergency Order No. 32) based on the result of the DOJ appeal?

Answer. The Department's policy will be informed by the continued public health judgment of CDC. Passengers and employees should be respected whether they choose to wear a mask or not and we plan to maintain that approach.

*Question 6.* The administration is pushing to increase the sale of electric vehicles. Yet, when setting Corporate Average Fuel Economy standards, NHTSA is statutorily prohibited from considering electric vehicle fuel economy for establishing maximum feasible standards. When DOT develops future CAFE standards, covering 2027 and beyond, does NHTSA plan to account for electric vehicle sales when it is statutorily prohibited from doing so?

Answer. As in all past rulemakings, NHTSA will not consider electric vehicles in ways that would be inconsistent with 49 U.S.C. 32902(h).

*Question 7.* NHTSA, through a standing general order (SGO), is currently requiring vehicle manufacturers and operators to report data on automated driving systems and advanced driver assistance systems after certain incidents occur, which NHTSA intends to make public. What is NHTSA's plan to make the information collected through the SGO public?

Answer. NHTSA released an initial tranche of data collected through the Standing General Order on its website on June 15, 2022. The data are available here: <https://www.nhtsa.gov/laws-regulations/standing-general-order-crash-reporting-levels-driving-automation-2-5>. NHTSA has since been updating the data monthly.

*Question 8.* I championed the Rural and Tribal Advancement Act in the bipartisan infrastructure law to help local communities better compete for infrastructure dollars and navigate the complexities of project planning. Given this program does not require additional appropriations, can you provide timing on when it will be up and running so rural and tribal communities can utilize this important pilot?

Answer. Section 21205 of the Bipartisan Infrastructure Law (BIL) directs the Build America Bureau (Bureau) to provide technical assistance and advisory services to rural and tribal entities to increase their readiness for borrowing from the Bureau's credit assistance programs. Bureau financing and project delivery best practices can reduce project costs and deliver transportation infrastructure faster than traditional approaches. The BIL appropriated \$10 million over 5 years for the Bureau to provide financial, technical and legal assistance and procure advisory services for potential rural and Tribal project sponsors. The Bureau expects to issue a Notice of Funding Opportunity by the end of the year.

*Question 9.* The White House Council on Environmental Quality is revising permitting rules to require consideration of even minor and indirect impacts under the National Environmental Policy Act (NEPA). This will slow the review process, and I am concerned these new burdens could completely scuttle good projects through sheer weight of bureaucracy. How do you plan to assist grant recipients in navigating this ever-more-complex review process?

Answer. The recently adopted CEQ NEPA rule affirmed the longstanding requirement that Federal agencies evaluate both direct and indirect environmental effects of their actions. The revisions help address implementation challenges of the 2020 rule and will assist in getting critical projects built faster. Additionally, the Department continues to pursue a number of strategies to make the environmental review and permitting process more efficient while ensuring protection for communities and the environment.

*Question 10.* Unfortunately, substance abuse continues to be a national problem, and the trucking industry is not immune. Since its inception in January 2020, more than 120,000 violations have been reported to FMCSA's Drug and Alcohol Clearinghouse. Hair testing has been shown to effectively detect for illegal drug use. Federal acceptance of hair testing would allow employers to better identify safety-sensitive employees in violation of Federal drug testing regulations. Would you support a collaboration between FMCSA and a transportation research facility, such as a University Transportation Center, on a study of the efficacy and benefits of hair testing?

Answer. FMCSA drug and alcohol use and testing regulations are authorized by the Omnibus Transportation Employee Testing Act of 1991 (OTETA), codified at 49 U.S.C. 31306. Section 31306(c)(2) requires that DOT follow the Department of Health and Human Services' (HHS) Mandatory Guidelines for technical and scientific testing issues. Thus, while DOT has discretion concerning many aspects of testing in the transportation industries' regulated programs, we must follow the HHS Mandatory Guidelines for the laboratory standards and procedures used for regulated testing.

HHS issued proposed Mandatory Guidelines for Federal Workplace Drug Testing Using Hair (HMG) in September 2020 (85 FR 56108) (Sept. 10, 2020). HHS received a high volume of comments, including studies and data, addressing the efficacy of hair testing. We understand that HHS is currently evaluating the comments and data received. Once HHS has published final mandatory guidelines, DOT's Office of Drug and Alcohol Policy and Compliance will conduct the required rulemaking to incorporate the hair testing guidelines into our DOT-wide testing regulations, which FMCSA must follow.

*Question 11.* During the hearing, you mentioned that you would be willing to work with Senators on a pilot program to advance DOT's understanding of autonomous vehicles (AVs). However, the 2021 Spring Regulatory Agenda proposed to withdraw NHTSA's anticipated "Pilot Program for Collaborative Research on Motor Vehicles with High or Full Driving Automation." Can you explain why, despite your recent testimony, NHTSA intends to withdraw this pilot program that would be useful for the agency to understand the current state of development of AVs?

Answer. NHTSA is interested in establishing an effective program that addresses imminent needs and one that can provide an appropriate level of incentives for participation, while also ensuring strong safety oversight and public transparency. NHTSA's review of the Pilot Program's advance notice of proposed rulemaking suggests that we would not be able to accomplish all of these goals within that proposed framework. However, NHTSA will use all the public comments we received to that notice and collaborate with Congress and other stakeholders on whether and how best to establish such a new program that can effectively help us to evaluate the safety of ADS technology and encourage safe innovation.

*Question 12.* During the hearing, you mentioned that DOT needed a legislative Federal framework for autonomous technologies and vehicles. What can NHTSA do within its current authorities to update the Federal Motor Vehicle Safety Standards (FMVSS) to encourage the development of these technologies and vehicles?

Answer. NHTSA has robust authority to oversee the safety of autonomous technologies and vehicles. Nothing in NHTSA's Federal Motor Vehicle Safety Standards (FMVSS) prevents manufacturers from developing autonomous technologies and vehicles. Manufacturers and operators of automated vehicles may currently deploy them on public roads as long as these vehicles comply with current FMVSS and do not present an unreasonable safety risk. However, if an Automated Driving Systems (ADS)-equipped vehicle has an alternative design (*e.g.*, removal of pedals), manufacturers may not be compliant with some existing FMVSSs. NHTSA continues to conduct research into modernizing its FMVSS for ADS-equipped vehicles. In line with this work, NHTSA recently published a final rule focused on ADS-equipped vehicles, which amends the occupant protection FMVSSs to account for future vehicles that do not have traditional manual controls associated with a human driver. This final rule makes clear that, despite their innovative designs, vehicles with ADS technology must continue to provide the same high levels of occupant protection that current passenger vehicles provide.

*Question 13.* NHTSA has granted an exemption petition from the FMVSS under Part 555 for one company, though others have submitted petitions for exemption. What is the status of the other pending exemption petitions? How soon can we anticipate DOT to release its determinations? What is the agency doing to streamline, expedite, or otherwise increase the transparency of the review process for exemption petitions?

Answer. NHTSA is committed to processing in a timely fashion any petitions submitted under 49 CFR Part 555 for vehicles equipped with Automated Driving Systems (ADS). NHTSA is actively working to respond to several petitions for temporary exemption requests for ADS-equipped vehicles. In July 2022, NHTSA published notices of receipt for two petitions under this section, one from Ford and one from General Motors. NHTSA sought comment on whether to grant the petitions and, if so, whether to include conditions on the deployment of any exempted vehicles. The comment period for these notices closed on September 21, 2022, and NHTSA is currently reviewing public comments. NHTSA is committed to evaluating these requests expeditiously and to ensuring that they meet statutory and regulatory requirements, including by showing that the temporarily exempted vehicles provide an equivalent level of safety or do not unreasonably lower their safety level.

*Question 14.* The administration has advocated for many policies purported to increase competition, improve safety, and reduce emissions, with agencies now moving forward with regulations to accomplish those goals. These efforts should reflect awareness of the significant disruptions to our Nation's supply chains. Supply chains are complex systems, and regulatory efforts could impose further operational disruptions on the freight transportation sector, even when intended to provide relief. Will the Department fully consider and assess the impacts of all regulations it supports or proposes on the functioning of supply chains before taking any action?

Answer. The Department is working diligently with the White House-led Supply Chain Disruptions Task Force (Task Force) to address supply chain disruptions and challenges, which arose due to the pandemic. At the onset, we worked with the Ports of Los Angeles (LA) and Long Beach (LB), which account for more than a third of all containerized U.S. imports, and the broader freight industry in Southern California, including ocean carriers, terminal operators, railroads, and truckers, to "flatten the globe" on key freight issues and identify challenges before they arise.

The Administration also encouraged the ports to impose fees on ocean carriers for import containers that were staying on the port terminals longer than usual. Since the Ports' Commissions authorized the fees to be levied in November 2021, we saw a peak 70 percent reduction in long dwelling containers at the Ports of LA and LB. Current ships at anchor in San Pedro Bay is near zero, while the Task Force continues to work on congestion that has arisen on the east and gulf coasts.

In late April 2022, I testified at the STB's hearing on rail service issues, because we have observed increased delays and congestion on our freight rail networks. We recognize the importance of freight rail to moving America's goods efficiently and effectively and want to ensure this integral part of the supply chain is able to reliably meet the demand.

We are also focused on ensuring better data infrastructure throughout the supply chain to strengthen our ability to identify challenges and address them in real time. On March 15, 2022, the Administration announced the Freight Logistics Optimization Works (FLOW) pilot program to help speed up delivery times and reduce consumer costs. By providing a shared view of the national logistics system, including both supply and demand assets, FLOW is supporting the American businesses throughout the supply chain and improving accuracy of information from end-to-end.

FLOW is a first-of-its-kind effort by the Administration and companies to develop a digital tool that gives them information on the condition of a node or region in the supply chain so that goods can be moved more quickly and cheaply, ultimately bringing down costs for families and making the supply chain more resilient. There are now 36 participants that are a part of FLOW, which we expect will continue to grow over the coming months. In August 2022, existing partners convened at DOT to discuss the results of their recent innovative data sharing through the FLOW program and how it can help meet the challenges that remain. DOT looks forward to continuing to collaborate with industry, small businesses, technology experts, and others to further develop this tool and enable industry to make more informed decisions that will improve the movement of goods along our supply chain.

*Question 15.* The majority of countries around the world have eliminated or significantly reduced COVID testing requirements for international travel, yet the United States continues to have a policy in place where a negative test is required within one day of departure when flying into our country, regardless of vaccination status. This restrictive policy discourages travel to the United States and hurts our global competitiveness, particularly for the tourism industry during the height of the summer travel season. The economic costs associated with these policies remain significant—according to the U.S. Travel Association, business travel spending is still 56 percent below 2019 levels while international travel spending is down 78 percent. Is the Administration considering eliminating or changing the predeparture testing requirement for travel to the United States?

Answer. DOT continues to support Federal partners in the COVID-19 response and recovery. As of June 12, the Centers for Disease Control and Prevention (CDC) no longer requires pre-departure COVID-19 testing for U.S.-bound air travelers.

*Follow-up.* Why does the Administration States feel this policy is in the best interest of public health when the majority of countries have eliminated it?

Answer. As of June 12, the Centers for Disease Control and Prevention (CDC) no longer requires pre-departure COVID-19 testing for U.S.-bound air travelers.

*Question 15.* Cargo Preference is one of the three pillars supporting the U.S. maritime fleet, which is essential for providing adequate mariners for strategic sealift during national emergencies. As acting Maritime Administrator Lessley said at the May 18, 2021, House Armed Services Committee hearing, “Cargo preference requirements keep vessels operating under the U.S. flag and create U.S. mariner jobs.” How are you, Secretary Buttigieg, working with the Administrator of the United States Agency for International Development and the White House to ensure that they understand the role of Cargo Preference in ensuring U.S. national security and ensuring that we continue to support U.S. mariners and U.S. ships? Will you commit to holding a meeting with these agencies to discuss these topics?

Answer. The Maritime Administration (MARAD) engages in continuous coordination with our Federal partners to improve the effectiveness of the Cargo Preference program.

As part of that effort, MARAD works closely with Federal agencies that engage in international ocean shipping to ensure awareness of the Cargo Preference requirements, offers assistance in locating available U.S.-flag vessels to meet their transportation needs, and reinforces their compliance obligation.

MARAD has long-standing working relationships with these partner agencies and engages in near-daily communications with their transportation, programmatic, and acquisition staff.

*Question 16.* Section 115 of the PIPES Act of 2020 requires the Pipeline and Hazardous Materials Safety Administration (PHMSA) to hold a meeting of the Gas Pipeline Advisory Committee (GPAC) regarding the class location rulemaking before December 20, 2021, which has passed. Can you provide a status update and timeline for when PHMSA will hold a GPAC meeting on this rulemaking?

Answer. The PIPES Act of 2020 included an aggressive timeline for the agency to advance rulemakings (as well as other congressional directives). PHMSA has completed several rulemakings with important safety impacts related to remote-control valves, gas gathering pipelines, and increased protections for unusually sensitive areas. PHMSA has also initiated new rulemakings related to leak detection and gas distribution pipelines and continues work on the rest of the regulatory agenda, including changes to class location requirements.

Additionally, PHMSA is undertaking a third-party assessment of its special permit process, which is often used by operators to address class location changes within their system. Having this assessment report complete and available for discussion will help optimize PHMSA’s staff and advisory committee resources. To this end, we anticipate holding a GPAC meeting on the class location rulemaking after the conclusion of our special permit process review, which includes a review of the safety

conditions that are used in the special permit process and their effectiveness in providing safety. The results of this assessment will be used identifying safety requirements for the class location change rulemaking.

*Question 17.* Section 102 of the PIPES Act of 2020 requires PHMSA to hire eight experts in pipeline safety, pipeline facilities, and pipeline systems to finalize outstanding rulemakings and fulfill congressional mandates. PHMSA's FY 2023 budget request says the agency has begun hiring those eight full-time employees. Can you be more specific about PHMSA's status to hire those eight experts as required by the PIPES Act of 2020? Additionally, will PHMSA hire engineers with expertise in pipeline safety, pipeline facilities, and pipeline systems, and if not, why not?

*Answer.* PHMSA successfully onboarded four full-time employees (two general engineers; an attorney advisor; and a technical writer) and an additional position (economist) is in the pre-onboarding background investigation process. All of these positions have been filled with candidates with pipeline safety or specific discipline expertise to support rulemaking efforts and fulfill congressional mandates. Another position was previously filled, but the incumbent resigned for a position outside the Federal government. Three positions (two general engineers/physical scientists and a operations research analyst) are in re-recruitment development status as the previously selected candidates declined offers. PHMSA is actively recruiting for the remaining positions, despite an increasingly competitive hiring environment. To this end, PHMSA continues to apply all hiring flexibilities and incentives to the recruitment and hiring process. To ensure continuity of PHMSA's mission, the agency has re-allocated existing personnel resources where appropriate and practicable. Rule-making entails a multidisciplinary approach and requires a hiring strategy to recruit employees with expertise in a variety of disciplines to ensure the promulgation of comprehensive, clear, and concise rules that meet a myriad of statutory mandates such as cost-benefit analysis.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN THUNE TO  
HON. PETE BUTTIGIEG

*Question 1.* Since your confirmation hearings, both you and Federal Railroad Administration (FRA) Administrator Bose have consistently noted the important role that innovation will play in reaching the Department of Transportation's (Department) goal of improving safety. However, regulatory actions by the Department, especially FRA, have consistently been hostile to the incorporation of technologies and final decisions are often not seemingly based on data showing that such actions would help the Department reach those goals. Can you commit to taking regulatory action to incorporate safety based on data going forward?

*Answer.* I commit to continuing to take regulatory action to incorporate safety based on data. I agree that innovation is vital to increasing the safety of our transportation systems, and to that end, we have adopted Innovation Principles that help America win the 21st century.

*Follow-up.* Will you commit to providing Congress with regular updates on the data being assessed by the Department so that Congress can independently assess the merits of these technologies?

*Answer.* We stand ready and available to answer questions Congress may have about our activities, and I commit to providing updates as needed on our regulatory activities surrounding new technologies.

*Question 2.* As you know, last year the National Highway Traffic Safety Administration (NHTSA) issued a Standing General Order (SGO) requiring manufacturers, suppliers, and operators of vehicles equipped with advanced driver assistance systems (ADAS) as well as automated driving systems (ADS) to report crash information to the agency within 24 hours of an identified incident.

These technologies are distinctly different, and I am concerned that combining data collection on both systems into one SGO creates a false perception that the technologies are similar, which could erode public confidence in AV technology and make future innovation in this space more difficult.

Can you explain to the Committee how the release of information in the future will not otherwise harm broader public acceptance of ADAS and AVs—especially with the related safety benefits that these technologies hold?

*Answer.* We believe transparency can increase public confidence in new technologies, complementing the Department's robust safety oversight. This Administration is committed to protecting public safety using all the authorities at our disposal. The public will be far more likely to accept significant advances in automated technologies if they have confidence in their safety. The Standing General Order is

a crucial tool for understanding how ADAS and ADS technologies perform, allowing the Department to assess the safety of these systems and to take action when an ADS or an ADAS-equipped vehicle poses an unreasonable risk to safety.

The Department agrees that it is important to clearly distinguish between ADAS and ADS, and the SGO do so by imposing separate reporting requirements on each. In addition, NHTSA reports the data for ADAS and ADS separately. The data are available here: <https://www.nhtsa.gov/laws-regulations/standing-general-order-crash-reporting-levels-driving-automation-2-5>. NHTSA also emphasizes the distinctions between ADS and ADAS technologies in supporting materials regarding the data. The reports we released on June 15 of this year separate the data into two separate reports in order to distinguish the two types of automation, and the data updated monthly is separated by ADS and ADAS incident report data.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TED CRUZ TO  
HON. PETE BUTTIGIEG

*Background:* Secretary Buttigieg, as you know, wireless telecommunications companies have voluntarily delayed the rollout of 5G service in the 3.7–4.2 GHz spectrum band (C-band) near airports, originally scheduled for December 2021, until July 2022. This was done as a compromise in order to avoid significant impacts to aviation, including likely extensive disruptions to travel, and to allow time to assess whether planned 5G operations within the C-band would impact flight operations and determine what mitigation actions might be needed.

*Question 1.* What is the current status of this assessment?

*Answer.* We firmly believe 5G and the U.S. aviation system can safely co-exist.

We have made significant progress since January. Daily interaction between experts from the FAA and the wireless companies helped us refine our risk model around runways. This enabled the wireless companies to turn on the maximum number of transmitters while protecting aviation safety.

As of May 2022, the wireless companies were able to activate about 97 percent of their installed network of more than 26,000 transmitters. While we are all pleased with this result, we recognized that it was also temporary. The voluntary mitigations are dependent on the goodwill of the wireless providers, and they are eager to operate their networks at full power.

We are working closely and expeditiously with radio altimeter manufacturers and industry to ensure that modifications, particularly antenna filters, can be incorporated as quickly as possible. The first filters are now available. It's imperative for original equipment manufacturers (OEMs) and airlines to create a plan to quickly retrofit their aircraft and to communicate those timelines to the wireless providers as soon as possible.

The long-term solution is to establish a new performance standard for altimeters in the presence of 5G C-band transmissions. The FAA's work to help establish that standard is ongoing, but it will take time for manufacturers to produce these new altimeters and for carriers to equip. During the time it takes to develop and install new radio altimeters, our goal is to enable the aviation and wireless industries to operate as close to full capacity as possible, with minimal disruption to either business model.

The FAA is hosting a series of roundtable discussions with aviation and wireless industry representatives to consider the next steps in the continued safe coexistence of aviation and 5G C-band wireless service. The groups will continue to collaborate as they work to address the remaining technical challenges. The FAA continues to use the information and lessons learned from the 5G discussions to be better prepared for spectrum and aircraft equipage policies in the future. The agency plans to use the same framework among the FAA/OEMs/wireless companies when engaging new entrants—a process that is already well underway.

The FAA is also working with our interagency partners, including the National Telecommunications and Information Administration (NTIA) and the Federal Communications Commission (FCC) to collaborate on any issues that impact aviation safety. The FAA meets regularly with NTIA and the FCC to exchange information. The Department expects future actions by the FCC, including spectrum auctions, and promulgation of new regulatory actions by FCC, will be conducted through required collaboration and due consideration of concerns of stakeholders that are directly or indirectly affected, as was the case for aviation and 5G C-band.

*Question 2.* Do you expect the issue to be resolved before the busy summer travel season this year? If not, why not and how much longer will it take to resolve the issue?



Answer. DOT and FAA have partnered with AT&T and Verizon to successfully identify 5G C-band deployment and mitigation strategies. These strategies allow nearly unimpeded access to airports for most aircraft while at the same time allowing for deployment of the vast majority of 5G C-Band antennas by the wireless companies.

The aviation industry has stepped up in developing modifications for existing equipment to improve their tolerance of the 5G environment. We expect to see those improvements installed on the fleet in the coming months. During the time it takes to develop and install new radio altimeters, our goal is to enable the aviation and wireless industries to operate as close to full capacity as possible, with minimal disruption to either business model.

*Question 3.* If the issue is not resolved, will there need to be an additional voluntary delay on the part of the wireless telecommunications companies?

Answer. Daily interaction between experts from the FAA and the wireless companies helped refine the risk model around runways. This enabled the wireless companies to turn on the maximum number of antennas while protecting aviation safety. To date, the wireless companies have been able to activate about 97 percent of their installed network of more than 26,000 sites.

We continue to work collaboratively with wireless companies and the aviation industry to ensure unimpeded access to airports for most aircraft and continued deployment of the vast majority of 5G C-Band antennas by the wireless companies. As long as everyone remains at the table, working in good faith, DOT is confident that we will continue this mutual coexistence without the need for deadlines.

*Question 4.* Have you had any discussions with the wireless telecommunications companies about a further delay? If so, what has been the result of those communications?

Answer. DOT and FAA have partnered with wireless telecommunications companies to successfully identify 5G C-band deployment and mitigation strategies. All parties remain committed to continuing to work together to resolve these issues and ensure minimum disruption of services.

*Background:* Secretary Buttigieg, on December 1, 2020, then-Federal Aviation Administration (FAA) Administrator Dickson and then-Department of Transportation (DOT) General Counsel Bradbury sent a letter to the National Telecommunications and Information Administration regarding the potential for harmful interference from the activation of 5G service in the C-Band. The letter stated:

*“Recent testing and analyses reveal the potential for harmful interference to radar altimeters installed in thousands of commercial transport aircraft, general aviation aircraft, business jets, and helicopters . . . Harmful interference can interrupt or significantly degrade radar altimeter functions during critical phases of flight—precluding radar altimeter-based terrain alerts and low-visibility approach and landing operations. Numerous interdependent aircraft systems use radar altimeter data to reduce the risk of fatal aviation accidents.”*

So this issue—which nearly upended flight operations in the United States at the end of last year and beginning part of this year, which caused significant delays in the planned operations of the wireless telecommunications companies, which collectively paid more than \$80 billion for licenses in the C-Band spectrum—was raised by FAA at least as far back as December of 2020. While you were not confirmed as Secretary until February of 2021, Administrator Dickson, who co-authored the December 2020 letter, remained at the FAA, which is under the umbrella of DOT, through March of 2022. However, it was not until the fall of 2021 that you began to engage publicly on the 5G-interference issue, and even then, it was not until December 31, 2021, that you sent a letter to the wireless telecommunications companies urging them to hold off on their planned 5G operations within the C-band.

*Question 5.* Secretary Buttigieg, when did you first learn that the looming activation of 5G service in the C-Band might cause harmful interference to radar altimeters? Please be as specific as possible.

Answer. There have been public industry and government concerns expressed related to the deployment of 5G C-band going back to at least 2015. Over several years, FAA participated in testing, connected with foreign authorities, and communicated its concerns clearly to the Federal Communications Commission (FCC) via the National Telecommunications and Information Administration (NTIA). A letter from FAA and DOT to the NTIA in December 2020, asking one final time to postpone the spectrum auction, sets forth several examples of this work since October 2019.

The FAA learned from its previous experiences and engagement on this issue. We have more information now, are working collaboratively with stakeholders, and are

committed to continuing to work together towards a safe and equitable pathway forward.

*Question 6.* Between when you were confirmed in February of 2021 and October of 2021, was this issue ever raised to anyone within the Office of the Secretary of Transportation (OST)? Please list each instance, who raised the issue, to whom they raised it, and the outcome, including all follow-up actions.

Answer. The FAA has learned from its previous experiences and engagement on this issue. We have more information now, are working collaboratively with stakeholders, and are committed to continuing to work together towards a safe and equitable pathway forward.

*Question 7.* Then President-elect Biden announced his DOT transition team on November 16, 2020—almost two weeks before Administrator Dickson’s December 2020 letter. This team included Polly Trottenberg, who now serves as Deputy Secretary of Transportation. Was this issue raised to President Biden’s transition team? If so, please specify who raised the issue and to whom they raised it, and the outcome, including all follow-up actions.

Answer. DOT is not in a position to speak for the Biden-Harris transition team.

*Question 8.* Secretary Buttigieg, during the DOT budget hearing on May 3, 2022, I asked you if you planned to wear a mask the next time you flew on a commercial airplane. You responded, “It’ll depend on conditions that day. I don’t have a flight today, but next time I do, I’ll think it over.” Have you been on a commercial flight, Amtrak train, or public transportation system between that hearing and May 17, 2022?

Answer. Yes.

*Follow-up.* If so, did you wear a mask? Please also list each instance, departure and arrival locations, and mode of transportation.

Answer. As of April 18, 2022, the mask mandate put in place for public ground and air transportation is no longer in effect <https://www.cdc.gov/quarantine/masks/face-masks-public-transportation.html>. Passengers should consult CDC guidance and make their own decisions whether to wear a mask and that decision should be respected. <https://www.cdc.gov/quarantine/masks/face-masks-public-transportation.html>

*Follow-up.* If so, what factors and conditions led you to decide to wear a mask? Please be specific. If not, what was your reasoning for not wearing a mask, despite the fact that the Center for Disease Control’s (CDC) recommendations, which are on your DOT website, advise continuing to wear masks for all large-scale transportation?

Answer. As of April 18, 2022, the mask mandate put in place for public ground and air transportation is no longer in effect <https://www.cdc.gov/quarantine/masks/face-masks-public-transportation.html>. Passengers should consult CDC guidance and make their own decisions whether to wear a mask and that decision should be respected. <https://www.cdc.gov/quarantine/masks/face-masks-public-transportation.html>

*Question 9.* On April 13, 2022, you stated, “We have to make sure whatever we do is responsible from a public health perspective. On one hand, we are in better shape than ever before thanks to the vaccinations. . . On the other hand, we have some variants that emerged and we need to keep a close eye on them. So my hope is we are on a path forward, ultimately, leading us out of these mandates.” As previously mentioned, the CDC still recommends that people wear masks in indoor public transportation settings. However, in television interview, and at the Senate Commerce hearing just a few weeks later, you stated wearing a mask is a personal choice. What additional studies and/or information were released between April 13 and the hearing on May 3, which led you to change your position?

Answer. My position has remained the same. The public should consult CDC’s guidance with regard to recommended mask use. As of April 18, 2022, the mask mandate put in place for public ground and air transportation is no longer in effect. <https://www.cdc.gov/quarantine/masks/face-masks-public-transportation.html> Passengers should consult CDC guidance and make their own decisions whether to wear a mask and that decision should be respected. <https://www.cdc.gov/quarantine/masks/face-masks-public-transportation.html>

*Question 10.* If you believe that personal choice, should be a consideration for wearing masks, when specifically did you determine that mask mandates were no longer a good idea, and what information did you use to come to this decision? Please be specific and provide all scientific studies, research materials, etc. you used to come to this decision.

Answer. As of April 18, 2022, the mask mandate put in place for public ground and air transportation is no longer in effect. <https://www.cdc.gov/quarantine/masks/face-masks-public-transportation.html> Passengers should consult CDC guidance and make their own decisions whether to wear a mask and that decision should be respected. <https://www.cdc.gov/quarantine/masks/face-masks-public-transportation.html>

*Question 11.* During the DOT budget hearing on May 3, 2022, you stated, with regards to extending the mask mandate, that “that’s not my call, that’s the CDC’s.” Did anyone at DOT, including within OST, speak with anyone at CDC and/or TSA regarding extensions of the mask mandate? If so, please specify who was a part of those conversations, including all participants from DOT, CDC and/or TSA, when each conversation occurred, and provide all e-mails, letters, memos, or other documents, which were part of those communications.

Answer. DOT regularly coordinates with interagency partners, including CDC and TSA, about efforts related to COVID-19. However, authority for the mask mandates rests with CDC, and TSA is the lead for transportation mask mandates implemented through security directives.

*Question 12.* As you know, along with many of my colleagues I was highly concerned with the Federal Highway Administration’s (FHWA) December 16, 2021, memorandum, which outlines policies and priorities that either go against the spirit of the infrastructure bill, or in some cases seem to directly contradict the law. From where, exactly, does DOT derive the authority to circumvent enacted Federal laws like the IIJA?

Answer. The Department recognizes the authority of the states to select projects to be financed with Federal-aid highway funds in accordance with 23 U.S.C. 145. The memo was not addressed to State DOTs or Governors and was not a directive to them. As the memo itself reminds FHWA staff, States and other Federal-aid recipients ultimately select which projects to build with their formula Federal-aid funding. FHWA does not have, and has not asserted, the authority to change the structure of the Federal-aid funding system, which is state administered and federally funded. There are no mandates or prohibitions in the memo. Rather, it refers to common-sense priorities and asks FHWA staff to encourage state decision-makers to consider opportunities for forward-looking investments.

*Follow-up.* Does the Department plan to prioritize projects that update existing infrastructure over projects, which create new infrastructure, such as adding new lanes to highways?

Answer. As noted in the memo, and as directed in 23 U.S.C. 145, States decide what projects to build with their Federal-aid highway formula funds. I recognize and value the role of the States in deciding how to prioritize the use of their Federal-aid highway dollars. The memo states that “application of this Policy does not prohibit the construction of new general-purpose capacity on highways or bridges. . . .”. As the memo itself reminds FHWA staff, States and other Federal-aid recipients ultimately select which projects to build with their formula Federal-aid funding. FHWA does not have, and has not asserted, the authority to change the structure of the Federal-aid funding system, which is state administered and federally funded. There are no mandates or prohibitions in the memo. Rather, it refers to common-sense priorities and asks FHWA staff to encourage state decision-makers to consider opportunities for forward-looking investments.

*Follow-up.* Does the Department plan to prioritize projects, which qualify for a categorical exclusion from NEPA over those that do not qualify for a categorical exclusion?

Answer. States decide what projects to build with their federal-aid highway formula funds. The memo emphasizes the value of focusing investment on the types of projects described in the memorandum and notes that they can be delivered faster because, in many cases, such projects may require only a Categorical Exclusion under FHWA’s NEPA environmental review regulations. As the memo itself reminds FHWA staff, States and other Federal-aid recipients ultimately select which projects to build with their formula Federal-aid funding. FHWA does not have, and has not asserted, the authority to change the structure of the Federal-aid funding system, which is state administered and federally funded. There are no mandates or prohibitions in the memo. Rather, it refers to common-sense priorities and asks FHWA staff to encourage state decision-makers to consider opportunities for forward-looking investments.

*Question 15.* As you know, more than a year ago, in March of 2021, the FHWA put a ‘pause’ on TxDOT’s planned I-45 expansion project in Houston, TX. This project, which would move the highway to follow U.S. 59 where it will flow along the east side of the Central Business District and join with I-10 before splitting

north to its existing path, has been in the works for decades. DOT and FHWA's pause of this project for a civil rights review is still ongoing more than a year later. So far, this delay has caused the cost of the project to rise by nearly \$750 million, and there is no resolution in sight. Secretary Buttigieg, what is the current status of the civil rights review of the I-45 expansion project and when do you expect it to be completed? Please be specific and provide a detailed breakdown of steps completed so far in the review, steps still to go, etc.

Answer. Following issuance of the final Environmental Impact Statement (EIS), various stakeholders in the Houston area sent letters to the Texas Department of Transportation (TxDOT) alleging that the North Houston Highway Improvement Project (NHHIP) would have disparate, negative impacts on communities of color. FHWA received copies of these letters. FHWA also received letters directly from stakeholders regarding TxDOT's implementation of the 2019 Memorandum of Understanding between FHWA and TxDOT concerning state of Texas' participation in the project delivery program pursuant to 23 U.S.C. 327 (NEPA Assignment MOU).

Upon initial review, FHWA determined that some of the letters constitute discrimination complaints under Title VI of the Civil Rights Act of 1964. TxDOT issued its Record of Decision (ROD) for the NHHIP on February 3, 2021.

In early 2021 FHWA received several letters alleging discrimination on the basis of race, color, and national origin. In late February 2021, FHWA received a formal Title VI complaint from an individual resident in the project area. As a result of these letters, on March 8, 2021, FHWA asked TxDOT to pause further contract solicitation activities related to the NHHIP and began preliminary review of the Title VI complaints to determine whether they would fall under Title VI of the Civil Rights Act of 1964. Following review of the letters and the individual complaint, FHWA's Office of Civil Rights accepted three complaints for investigation under Title VI and the Department of Transportation's (USDOT) Title VI regulations at 49 CFR Part 21. By letter dated June 14, 2021, FHWA requested that TxDOT extend the pause on project activities to include a pause on right-of-way (ROW) acquisition, including solicitations, negotiations and eminent domain, and final design activities to ensure actions would not be taken that might impact the Title VI investigation and any proposed remedies should the agency find that voluntary compliance measures are warranted. In addition, with respect to the NEPA Assignment MOU, in the June 14, 2021, letter, FHWA notified TxDOT of its decision to review TxDOT's compliance with the MOU in issuing the ROD for the NHHIP. This NEPA review is a separate process from the Title VI investigation.

Upon accepting the initial three Title VI complaints in March and April 2021, FHWA's Office of Civil Rights began an investigation. FHWA sent a letter to TxDOT on April 15, 2021, outlining the issues to be investigated and requesting that TxDOT provide a position statement and responses to an initial set of Requests for Information (RFI). On August 9, 2021, FHWA received a fourth Title VI complaint against TxDOT from Harris County, and FHWA consolidated it with its ongoing investigation in October 2021. TxDOT also provided additional documents in response to the second and third RFIs, issued on, August 16, 2021 and March 4, 2022.

FHWA initiated discussions with TxDOT to pursue voluntary resolution of the issues raised in the Title VI complaints, in accordance with USDOT's Title VI regulations. Also, in November 2021, in response to a request from TxDOT, FHWA agreed to a partial lift of the pause to allow TxDOT to undertake certain activities with respect to Segment 3 that could proceed without creating negative impacts on individuals in the project area. Specifically, FHWA agreed to allow TxDOT to proceed with detailed design work for Segments 3A and 3B and all Union Pacific Railroad crossings contained in Segment 3C.

The Title VI investigation and NEPA review are ongoing, as are discussions for a potential voluntary resolution agreement. We hope to resolve the matter soon.

*Question 16.* Despite putting this project on hold for more than a year, DOT has not even issued preliminary findings to TxDOT in order that TxDOT might begin taking corrective actions. Secretary Buttigieg, has DOT prepared any findings whatsoever with regards to this review? If so, please provide them.

Answer. I am not able to comment on the specifics of any active and open investigation, but I commit DOT and FHWA will work as expeditiously as possible to resolve the investigation with all stakeholders being heard.

*Follow-up.* Has DOT put together any kind of report, including any draft report, on this review? If so, please provide said report.

Answer. DOT has not issued any report on this review to date. That is the last step completed in a civil rights investigation. In addition, since this is an ongoing and open investigation, release of any draft report would not be permitted.

*Question 17.* The positioning, navigation, and timing (PNT) services provided by GPS are widely acknowledged to be essential to transportation systems and supply chain security. Yet GPS signals are very weak and are under increased threat, as we are seeing with the war in Ukraine. GPS signals are so important and vulnerable to us here in the United States, a National Security Council Director recently called GPS “a single point of failure” for the Nation. DOT in a January 2021 report to Congress said that, based on its research, PNT signals from terrestrial beacons linked by fiber, combined with signals from PNT signals space, are needed to ensure our transportation and other systems are safe and secure. What will the department do to use funding from the infrastructure bill and through the normal budget process to ensure America is not damaged by interruptions to GPS services?

Answer. As part of the FY 2022 President’s Budget, DOT proposed a \$17 million investment to support a more resilient civil GPS and to enable more responsible Positioning, Navigation, and Timing (PNT) usage. The FY 2022 Omnibus also provided an additional \$5 million above the FY 2022 request for the implementation of the Complementary PNT and GPS Backup Technologies Demonstration Report, published in January 2021.

Implementation of FY 2022 funding supports two significant PNT resilience efforts:

- \$15 million to implement the recommendations of the Complementary PNT and GPS Backup Technologies Demonstration Report.
- \$7 million to develop capabilities for civil GPS performance monitoring and interference detection, and signal authentication. This work is in support of implementation of Executive Order 13905, “Strengthening National Resilience Through Responsible Use of Positioning, Navigation, and Timing Services,” which provided new requirements for responsible PNT usage.

DOT’s focus is on facilitating adoption of complementary PNT technologies into end-user applications by developing a similar level of standards, resiliency and vulnerability testing, and performance monitoring as exists for GPS. DOT convened a Complementary PNT Industry Roundtable on August 4, 2022, to bring PNT service providers and Critical Infrastructure users together to discuss facilitating adoption of technologies so users are assured that they will get the GPS backup and/or Complementary PNT services they need to operate safely <https://www.transportation.gov/pntindustryround>.

- It will take a combination of the awareness of PNT vulnerabilities, investment by owners and operators of critical infrastructure, and vulnerability testing to ensure the transition from experimentation to actual adoption of Complementary PNT services and products.
- DOT is developing an action plan of concrete recommendations from the roundtable that lead to demonstratable progress on the adoption of Complementary PNT capabilities.

DOT, in coordination with DHS, is developing PNT contract language to require Federal adoption of resilient PNT solutions in transportation and other critical infrastructure sectors applications. The intent is that once PNT resilience Federal contract language is developed, it will be adopted by end users in the Transportation Systems Sector. An example of where this contract language will be applied is through a pilot program with the Maritime Administration (MARAD) focused on GPS jamming and spoofing detection and mitigation capabilities in Ready Reserve Force Fleet vessels.

*Question 18.* In January, I joined my colleagues in a letter to DOT requesting an update and stressing the need for timely implementation on the rollout of my legislation, the National Timing and Resilience Act, which was signed into law in November 2018. In response, DOT said the President’s budget proposed taking steps to develop standards and procedures for a GPS/PNT backup, but said nothing about actually acquiring and implementing a backup. Almost four years after enactment, why has DOT still not procured and implemented the GPS backup technology required by the National Timing and Resilience Act?

Answer. As part of the FY 2022 President’s Budget, the Administration did not request funding for the National Timing Resilience and Security Act of 2018 (NTRSA) and proposed the repeal of NTRSA, which requires the Secretary of Transportation to “provide for the establishment, sustainment, and operation of a land-based, resilient, and reliable alternative timing system,” subject to availability of appropriations. To date, no such appropriations have been made available.

Through the FY 2022 Consolidated Appropriations Act, Congress modified the NTRSA to remove the land-based requirement. However, this action was not cou-

pled with appropriations for NTRSA and does not address the Administration's stated concerns that:

- No single solution for the provision of back-up or complementary positioning, navigation and/or timing services can meet the diversity of critical infrastructure requirements; and
- It would be inefficient, anti-competitive, and potentially harmful to the existing market for back-up/complementary PNT services for the Federal Government to procure or otherwise fund a specific solution for non-Federal users.

The FY 2023 President's Budget request continues the request to repeal the NTRSA and invests an additional \$5 million to continue implementation of Executive Order 13905, "Strengthening National Resilience Through Responsible Use of Positioning, Navigation, and Timing Services"; and to continue work on GPS signal authentication capabilities. In support of E.O. 13905 guidance, DOT's focus is on facilitating adoption of Complementary PNT technologies into end-user applications by developing a similar level of standards, resiliency and vulnerability testing, and performance monitoring as exists for GPS.

*Question 19.* The Department of Transportation and the Department of Education issued a waiver earlier this year regarding the portion of the Commercial Driver's License (CDL) application process, which requires applicants to identify "under the hood" engine components. This was helpful, but a shortage still remains of qualified bus drivers around the Nation, especially in rural areas. Would you support making this permanent? Are there other ways that we can reform CDL requirements to help alleviate workforce shortages?

Answer. Earlier in 2022, FMCSA issued a series of three-month waivers from the engine compartment portion of the pre-trip vehicle inspection skills testing requirement, known as the "under-the-hood" testing requirement, for CDL applicants seeking a school bus endorsement and restricted to intrastate operations only. On October 27, 2022, FMCSA granted States a longer-term (two-year) exemption from the under-the-hood testing requirement for school bus CDL applicants for intrastate operations.

More broadly, FMCSA is committed to working with the American Association of Motor Vehicle Administrators (AAMVA), and the State Driver Licensing Agencies (SDLAs) to consider changes to the pre-trip vehicle inspection and basic vehicle control portions of the CDL skills test. AAMVA recently completed field tests of revised skills test procedures in Maryland, New Hampshire and Virginia and we will work with our stakeholders to determine whether revised skills test procedures for all CDL applicants will also address the concerns of the school bus sector.

*Question 20.* The Infrastructure Investment and Jobs act (IIJA) required the Federal Motor Carrier Safety Administration (FMCSA) to establish an apprenticeship pilot-program allowing driver between the ages of 18–20 with an intrastate commercial driver's license to operate interstate commerce. To meet this requirement, FMCSA established the Safe Driver Apprenticeship Pilot (SDAP) Program. Is FMCSA currently accepting applications to the SDAP program? If so, when do you anticipate that all applications will be processed?

Answer. FMCSA announced that it was accepting applications on July 26, 2022, and, as of November 2022, has 18 approved carriers and 23 pending review and approval. FMCSA continues to actively accept and review applications to the SDAP program and anticipates reviewing them within 30 days of receipt.

*Follow-up.* Has FMCSA developed metrics for what it would consider success for this pilot program? If so, what are they?

Answer. A strong, stable, and safe trucking workforce that offers good-paying jobs to millions of truck drivers is critical to our economy. The SDAP Program will support drivers and improve driver retention while expanding access to quality driving jobs now and in the years ahead. As required by the Bipartisan Infrastructure Law, the Department will provide a report to Congress at the conclusion of the SDAP Program, which includes findings and conclusions with respect to the Program.

*Question 21.* The Infrastructure Investment and Jobs Act provides the FAA with three percent of funding from the new Airport Improvement Grant program for program administration. However, Texas and the nine other FAA block grant states are being asked by the FAA to administer this new program in their states without receiving any of the additional administrative funds. It seems unfair to pass on the workload, but not the funding to assist in handling the added administrative burden, which in Texas is nearly a doubling of their current program. Can you explain why the FAA is pursuing this unfunded mandate? Can you ensure that block grant states will get funding to administer this program?

Answer. In the State Block Grant Program, which is a voluntary program, the FAA provides funds directly to participating States that in turn, prioritize, select, and fund Airport Improvement Program (AIP) projects and now the BIL funded projects at non-primary airports (General Aviation airports typically without any commercial service). In addition, many States have levied requirements on Federal grant funds that are beyond Federal requirements, and various state laws direct the state to perform tasks on behalf of the local airport sponsors.

States can claim their additional project administration costs associated with the increase in projects resulting from the BIL funding. Currently, States in the FAA State Block Grant Program can claim project administration costs under the AIP and now under BIL. Project administration costs are directly related to administering the project such as application preparation, contract management, engineering oversight, bidding, etc. (Many of these duties are normally done by the airport, a consultant, or other hired company, but the state has taken on these responsibilities for various reasons.) The majority of costs incurred by a state in administering the Block Grants can be billed to the FAA funded grant project (AIP or BIL).

The FAA is still ultimately responsible for protecting the Federal investment and has a significant oversight role for grants funded through a State Block Grant Program with Airport Improvement Program (AIP) or Bipartisan Infrastructure Law (BIL) funds. This includes issuing the grant, reviewing payments and supporting documentation, and ensuring compliance with all Federal financial laws and grant assurances associated with these Federal funds.

*Question 22.* The benefit-cost analysis required in Rural Grant Program applications is the same as for the INFRA and MEGA Projects grant program. Given that rural and urban areas often face different transportation challenges, it is difficult for applicants to meet the required BCA threshold for the Rural Program. Will you consider revising the BCA for the Rural Grant Program going forward to reflect rural areas more accurately?

Answer. The BIL requires that for a project to be awarded funds under the Rural Surface Transportation Grant Program, DOT must determine that the project is cost effective. DOT makes this statutorily required determination by assessing the overall project benefits and costs and determining if benefits exceed costs for that project. In the past, many projects in rural areas have been successful in demonstrating benefits that exceed costs and have been awarded DOT funds. Costs are often lower for projects in rural areas as compared to urban areas for a variety of reasons (for instance, right of way acquisition is often less expensive), enabling favorable benefit-cost analyses.

*Question 23.* The Infrastructure Investment and Jobs Acts (IIJA) authorized \$200 million per year, or \$1 billion over the life of the IIJA, for a new Active Transportation Infrastructure Investment Program (or ATIIP) to link biking and walking infrastructure with accessible, safe, and active transportation networks. The program was not included in the President's FY23 Budget Request. Will you expound on USDOT's priorities for this program? Will it be included in future budget requests?

Answer. The Administration will consider all funding authorized as subject to appropriation in BIL, including the Active Transportation Infrastructure Investment Program (ATIIP), during the development of the FY 2024 President's Budget. Safety is the Department's top priority and we are committed to improving the safety and accessibility for all users of the transportation system, including bicyclists and pedestrians, by advancing the widespread implementation of a Complete Streets model that supports the creation of networks for active transportation (walking and bicycling). Building Complete Streets encompasses planning, designing, constructing, maintaining, and operating roadways and public rights-of-way with all users in mind to make the transportation network safer.

Complete Streets standards or policies, which serve the similar overall goals as the ATIIP, serve to "ensure the safe and adequate accommodation of all users of the transportation system, including pedestrians, bicyclists, public transportation users, children, older individuals, individuals with disabilities, motorists, and freight vehicles." See section 11206 of BIL. Through the Complete Streets initiative, FHWA plays a leadership role in the process of providing an equitable and safe transportation network for travelers of all ages and abilities, including those from underserved communities who have faced historic disinvestment, regardless of the chosen mode of transportation.

FHWA has been working to implement a number of other provisions of BIL that support safety and accessibility for people on foot and bicycle. These include an increase in the funding for the Highway Safety Improvement Program (HSIP), and a new special rule to ensure that HSIP funds are dedicated to vulnerable road user safety in the States in which the total annual fatalities of vulnerable road users in

a State represents not less than 15 percent of the total annual crash fatalities in the State. All States are required to develop a Vulnerable Road User Safety Assessment as part of their Highway Safety Improvement Program in accordance with 23 U.S.C. 148(l). In October 2022, FHWA issued guidance on the Vulnerable Road User Safety Assessment. In addition, the Department is currently reviewing applications under the FY 2022 NOFO for the Safe Streets and Roads for All Grant Program, which closed in September 2022.

FHWA also has resources available related to active transportation, including, for example, information related to the Nonmotorized Transportation Pilot Program (NTPP) and the FHWA Guidebook on Measuring Multimodal Network Connectivity. See resources available at [https://www.fhwa.dot.gov/environment/bicycle\\_pedestrian/resources/](https://www.fhwa.dot.gov/environment/bicycle_pedestrian/resources/).

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. DEB FISCHER TO  
HON. PETE BUTTIGIEG

*Question 1.* FRA has been slow to incorporate technologies that would reduce emissions as well as improve safety. Final decisions are often seemingly not based on data showing that such actions would help the Department reach those goals. Can you commit to taking regulatory action to incorporate safety and emissions reduction technologies based on data going forward?

Answer. FRA does not regulate emissions of air pollution from rail operations but does play an important role in providing research and development assistance in renewable and alternative fuels. FRA's main focus in this area is ensuring that new fuels and power technologies, such as hydrogen fuel cells, batteries, and biofuels, do not pose a safety concern while powering locomotives across the U.S. rail network. In addition, FRA's grant programs can be used to improve the emissions and efficiency of locomotives. For example, the CRISI grant program permits funding for rehabilitating, remanufacturing, procuring, or overhauling locomotives if those activities result in a significant reduction in emissions. FRA hopes project sponsors will take this opportunity to apply for funding for the renovation or replacement of the dirtiest locomotives.

*Follow-up:* Will you commit to providing Congress with regular updates on the data being assessed by the Department so that Congress can independently assess their merits of these technologies?

Answer. We stand ready and available to answer questions Congress may have about our activities, and I commit to providing updates as needed on our regulatory activities surrounding new technologies.

*Question 2.* President Biden issued Executive Order 14052, which established a taskforce for the implementation of the bipartisan infrastructure law. This taskforce was created for BIL implementation, but it was not part of legislative statute. Can you provide more details about the Department of Transportation's work and coordination with this taskforce? What has been accomplished since it was created and how often does it meet? How will the working group's decision making affect DOT's decision-making to implement the law?

Answer. The Administration has a strong commitment to robust oversight and effective stewardship of taxpayer dollars. We are taking that approach of robust oversight, stewardship, and transparency as we implement the Bipartisan Infrastructure Law (BIL), a once-in-a-generation investment in our Nation's infrastructure and competitiveness. Upon signing the BIL, President Biden signed an Executive Order (EO), establishing that one of the primary goals of implementation was to invest public dollars efficiently, avoid waste, and focus on measurable outcomes for the American people.

The EO created the Infrastructure Implementation Task Force, which has been working towards achieving this goal through cross-agency coordination and ensuring public trust and accountability, including holding 11 Cabinet-level meetings. In support of the EO, on April 29, 2022, the White House released M-22-12—initial guidance to Federal agencies to set a strong foundation for effective, efficient, and equitable implementation of BIL. The guidance directs agencies to:

- Ensure effective stewardship of BIL funding, building on effective practices from the Administration's implementation of the American Rescue Plan, as well as existing financial management and reporting requirements.
- Designate a senior accountable official for implementation and an infrastructure implementation coordinator, to ensure that projects are delivered on time, on task, and on budget.



- Continue cooperation with Inspectors General through implementation of programs funded through BIL.
- Reduce barriers, including administrative burden, and enhance access for underserved and capacity-constrained communities.

*Question 3.* The Department of Transportation is responsible for billions in competitive grants available for state and local entities. The competitive grant process has long lacked transparency, leaving applicants in the dark as they navigate the complicated grant process. Besides the common application recently implemented, what is DOT doing to increase transparency in the competitive grant process?

*Answer.* The Department remains committed to program transparency and will continue to offer in-depth debriefs to unsuccessful applicants interested in understanding how to improve future applications. Last year, the Department provided more than 500 such debriefs to RAISE and INFRA applicants alone.

*Follow-up:* Will DOT make public the selection process data and documentation, so that first-time applicants—especially those from small rural and tribal entities—can improve their applications for the next round of funding? What concrete steps is DOT taking to ensure that applicants have the resources they need as they undertake the application process?

*Answer.* First-time applicants interested in understanding how their application was evaluated are invited to receive a debrief following the completion of each round of awards. During these debriefs, the program staff provide tailored feedback identifying specific strengths and weaknesses of each application, as well as technical assistance on how it could be improved.

The Department is also in the process of developing and implementing broader technical assistance efforts targeted at small, rural, tribal, or otherwise under-resourced applicants. BIL is a generational opportunity to invest in communities of all shapes and sizes, and we're focused on making sure all communities are positioned for success.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JERRY MORAN TO  
HON. PETE BUTTIGIEG

*Question 1.* Mr. Secretary, the FAA contract tower program enjoys strong bipartisan support in Congress as a cost-effective way for the FAA to provide critical air traffic control, safety services at 260 airports around the country. I understand the FAA is considering using set-asides in the solicitation for the next five-year period for the program, instead of a full and open competition. Can you explain the reasoning for this consideration?

*Answer.* The FAA is still in the process of conducting market analysis, which will determine the acquisition strategy for the contract tower program. Like other Federal agencies, the FAA sets aside acquisitions when there are two or more small businesses that can successfully compete to meet its requirements. Given the history of the prior efforts there is a great likelihood that this competition may be unrestricted (*i.e.*, full and open).

*Question 2.* Mr. Secretary, since its inception in 1978, the Essential Air Service (EAS) program has been a critical resource for the Nation in linking rural communities with major markets and economic opportunities. As the pilot shortage continues to threaten commercial operations, particularly regional service, can you commit to continued support of the EAS program, and working at the Federal level to address barriers pilots face when entering the workforce?

*Answer.* Yes, I commit to continued support of the EAS program. In light of the ongoing changes in the aviation industry, and their impact on small communities including those eligible for EAS, the Department is taking an intensive look at the EAS program. As the Department further develops its approach to these challenges, we look forward to working closely with Congress on legislative proposals.

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RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. DAN SULLIVAN TO  
HON. PETE BUTTIGIEG

*Question 1.* As you're aware, prices are going up everywhere, throughout the economy. This includes materials and labor on construction projects, many of which have already entered into contract where bids were agreed upon with much lower materials costs estimates. Is there anything you can do, administratively, with either IIJA funds or flexibility of unused COVID funds, to help relieve these real-world project price increases?

Answer. Reducing costs for Americans and combatting inflation is the top priority for the Biden-Harris administration. The President is leveraging every tool at his disposal in this effort.

The Department understands that cost increases are disruptive to the overall planning, design, and construction of infrastructure projects. That is why DOT has historically required project sponsors to include contingency funding in their financial plans when applying for discretionary grant funding to account for unforeseen cost increases due to a variety of factors, including inflationary costs increases. This practice has proven effective to ensuring that project sponsors are able to withstand price increases and complete needed projects.

The Department has a strong record of working collaboratively with communities to find mutually agreeable solutions and amend grant agreements where needed to address unforeseen cost increases or other disruptions to projects awarded transportation infrastructure grants.

*Question 2.* Commercial driver license (CDL) skills testing is heavily regulated by the Federal Motor Carrier Safety Administration (FMCSA) and the American Association of Motor Vehicle Administrators (AAMVA). Due to newly enacted Federal regulations and an updated interpretation of existing regulations, the Alaska Division of Motor Vehicles (DMV) and their third-party partners are unable to conduct commercial testing or training in areas outside of the railbelt and Juneau. The two related issues are summarized as follows:

DMV may be required by FMCSA to discontinue CDL testing at 14 rural Alaska testing sites because the communities do not have the road infrastructure required for certain skill testing maneuvers. Within FMCSA and AAMVA's requirements, there are several maneuvers that cannot be legally conducted in any rural community. Specifically, there is a requirement for certain testing maneuvers to be conducted on a two-mile road with at least two lanes heading in one direction and a speed limit of at least 45 miles per hour. After receiving clarification on these requirements in 2021, DMV conducted a statewide audit to ensure compliance and concluded that it has been conducting commercial testing in many communities that do not have the minimum requirements for a complete and legal commercial road test. There are 14 communities affected by this, which are Utqiavik, Bethel, Craig, Delta Junction, Haines, Ketchikan, King Salmon, Kodiak, Kotzebue, Nome, Petersburg, Sitka, Unalaska, and Wrangell. Alaska DMV requested permission from FMCSA to continue providing skills testing in rural communities in November of 2021.

Will FMCSA recognize the unique operating conditions in Alaska, and grant Alaska DMV permission from FMCSA to continue providing skills testing in rural communities?

Answer. FMCSA is working closely with Alaska to address its unique circumstances, and has met with Alaska twice since June 7, 2021 to discuss the state's specific concerns and potential solutions to ensure the integrity of the Alaska CDL. FMCSA is fully committed to ensuring that the citizens of Alaska do not face significant barriers in obtaining commercial driver's licenses, and we stand ready to work with the Alaska Division of Motor Vehicles (DMV) to develop strategies to ensure that the State can issue CDLs in its small, remote communities.

*Question 3.* New FMCSA regulations that took effect on February 7, 2022, require new CDL applicants to attend training by a federally approved training provider prior to being eligible for a CDL. Part of the training is focused on behind-the-wheel skills and one of those skills, the entry and exit on a controlled access highway, cannot be practiced in rural Alaska. This means that training must be conducted on the railbelt or in Juneau, which could be cost prohibitive for those attempting to gain commercial driving skills for the workforce or the employers that would need to sponsor the travel for the required training. Will FMCSA recognize the unique operating conditions in Alaska, and grant Alaska a variance from the mandated training that allows training to continue to be conducted in rural Alaska?

Answer. FMCSA is working closely with Alaska to address its unique circumstances and has met with Alaska twice since June 7, 2021 to discuss the state's specific concerns and potential solutions to ensure the integrity of the Alaska CDL. FMCSA is fully committed to ensuring that the citizens of Alaska do not face significant barriers in obtaining commercial driver's licenses, and we stand ready to work with the Alaska Division of Motor Vehicles (DMV) to develop strategies to ensure that the State can issue CDLs in its small, remote communities.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TODD YOUNG TO  
HON. PETE BUTTIGIEG

*Question 1.* Can you provide an update on the implementation of the Safe Driver Apprenticeship Pilot Program, and will you commit to continuing to work with me throughout implementation?

Answer. FMCSA has been very proactive in implementing the Safe Driver Apprenticeship Pilot (SDAP) Program to meet the ambitious 60-day statutory deadline, while ensuring FMCSA complies with all laws applicable to the program, including the Privacy and Paperwork Reduction Acts. To date, FMCSA has, among other things: (1) obtained emergency approval for an Information Collection Request (ICR) under the Paperwork Reduction Act; (2) published the Federal Register notice announcing the SDAP Program and established the program requirements for motor carriers and apprentices; (3) launched the SDAP Program website; (4) approved a Privacy Impact Assessment as required by the E-Government Act of 2002; (5) published in the Federal Register the 60-day ICR notice for full approval; and (6) awarded a contract to support the Agency's data collection and analysis requirements for the SDAP Program.

FMCSA announced that it was accepting applications to the SDAP Program on July 26, 2022, and, as of November 2022, has 18 approved carriers and 23 pending review and approval. FMCSA continues to actively accept and review applications to the program, and anticipates reviewing additional applications within 30 days of receipt.

*Question 2.* Can you provide an update on the review of laws, safety measures, and technologies relating to school buses as required by Section 24110 of the Infrastructure Investment and Jobs Act (PL 117-58)?

Answer. NHTSA is working to complete a review of laws, safety measures, and technologies related to school buses as required by Section 24110. The agency released a public safety messaging campaign to educate the public on dangers of illegal passing during the loading and unloading of school buses. The campaign materials, available at <https://www.trafficsafetymarketing.gov/get-materials/school-bus-safety>, were promoted during National School Bus Safety Week (October 17-21, 2022).

*Question 3.* Recently, NHTSA finalized a new rule implementing significantly increased civil penalties for noncompliance with CAFE standards starting with model year 2019 vehicles. However, applying increased penalties retroactively against manufacturers for vehicles already produced and, on the road, will not produce any additional environmental benefits. Can you please share with the Committee whether such penalties for past non-compliance have been deposited into the General Fund, or have they counted towards automaker investment in vehicle electrification or other improvements to vehicle efficiency?

Answer. By law, civil penalties for noncompliance with CAFE standards are paid to the general fund of the Treasury. NHTSA does not have authority to reduce penalty payments based on automaker investment in vehicle electrification or other such improvements. There is a statutory provision that would allow a portion of civil penalty payments to be used for "grants to manufacturers for retooling, reequipping, or expanding existing manufacturing facilities in the United States to produce advanced technology vehicles and components." 49 U.S.C. § 32912(e). However, that provision is subject to the availability of appropriations, and no such appropriations have been made. The Department would support redirecting the CAFE civil penalties to invest in advanced technologies for vehicle electrification or efficiency.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MIKE LEE TO  
HON. PETE BUTTIGIEG

*Question 1.* Mr. Secretary, during your hearing, I asked you how NHTSA's new CAFE Standards for passenger cars and light trucks would increase the average cost of a vehicle. You said that you would provide those statistics to my office. Could you please provide these statistics?

Answer. The net benefits of the new standards exceed their costs. NHTSA estimated that, for model year 2029, the average cost to consumers attributable to the new CAFE standards would be approximately \$1,276 while the average benefits to consumers attributable to the new CAFE standards would be approximately \$1,539 at a 3 percent discount rate. These numbers came from Table A-23-1 in Appendix I to NHTSA's Final Regulatory Impact Analysis, available at [https://www.nhtsa.gov/sites/nhtsa.gov/files/2022-04/FRIA-Appendix-I\\_CAFE-MY-2024-2026.pdf](https://www.nhtsa.gov/sites/nhtsa.gov/files/2022-04/FRIA-Appendix-I_CAFE-MY-2024-2026.pdf).

*Follow up.* Can you also provide the applicable data, including methodology and assumptions used to calculate such findings?

Answer. All of the data, methodology, and assumptions used to calculate the cost estimates provided above are available in NHTSA's rulemaking record, including the final rule, the Final Technical Support Document (TSD), the Final Regulatory Impact Analysis (FRIA) and its appendices, the CAFE Compliance and Effects Model input files, output files, and accompanying documentation. These sources can be found at <https://www.nhtsa.gov/laws-regulations/corporate-average-fuel-economy>. Additional supplemental information is available in the docket for this rulemaking at <https://www.regulations.gov/docket/NHTSA-2021-0053>.

*Question 2.* As part of the President's Budget Request for FY23, the Administration has requested an additional \$12 million for NHTSA, along with an additional 22 full-time equivalent (FTE) employees, to support both the recently finalized CAFE standards for model years 2024–2026 as well as promulgating new standards for 2027 and beyond.

a. How specifically will NHTSA use these additional funds to support the model year 2024–2026 CAFE standards and the next round of CAFE standards?

Answer. The Model Year 2024–2026 CAFE standards rulemakings are now completed, but support for these standards, including compliance and flexibilities evaluations, will be ongoing. NHTSA intends to use these funds to support both the Model Year 2027 and beyond CAFE standards and the Model Year 2030 and beyond Medium and Heavy-Duty fuel efficiency standards. NHTSA will be undertaking these two rulemakings concurrently under Executive Order 14037, which to date has not been feasible given current funding levels.

b. What role will these additional FTEs play at the agency on both sets of standards?

Answer. The additional FTEs will bolster the capacity and sustainability of NHTSA's Fuel Economy Division, which historically has produced and maintained sequential, economically-significant, and environmentally-impactful regulatory products that will, in FY23 and beyond, require levels of concurrent rather than sequential effort beyond current staffing levels.

c. How does your work on fuel economy differ from EPA's work on greenhouse gas emissions, and how are you ensuring no duplication of work?

Answer. The two agencies coordinate extensively to harmonize where possible, consistent with each agency's respective statutory authorities so manufacturers can produce a fleet of vehicles that comply with both programs. For light-duty vehicles, NHTSA operates under statutory directives under the Energy Policy and Conservation Act of 1975, as amended by Energy Independence and Security Act of 2007; and EPA operates its greenhouse gas program under authority from the Clean Air Act. For medium-and heavy-duty vehicle fuel efficiency, the statutory obligations are very similar for both agencies, and we have historically closely coordinated to issue joint rules that are not redundant.

*Question 3.* When asked about foreign production of key electric vehicle (EV) materials such as cobalt and lithium, you said that America has untapped lithium reserves that are "certainly a preferred alternative to some of the international foreign sources."

a. What has the DOT done to encourage the access of these untapped lithium reserves?

Answer. The Administration is diligently working to develop a domestic lithium battery supply chain that creates jobs in the U.S. In June 2021, the Federal Consortium on Advanced Batteries (FCAB), chaired by the Department of Energy, issued the National Blueprint for Lithium Batteries. Securing access to raw and refined materials, including through domestic sources, is one of the primary goals identified in the blueprint. The Department is supporting those efforts led by the Department of Energy. DOE and DOT are also providing interagency support to assist the Treasury Department in implementing the Inflation Reduction Act tax credits for electric vehicles, which include requirements for the domestic content of batteries.

b. How has the DOT publicly encouraged the Administration to jumpstart the needed domestic sourcing of such materials? Please be specific.

Answer. The Department recognizes the importance of key material availability to ensure widespread availability and adoption of EVs in the U.S. Though this is a critical component of the EV supply chain, DOT is not directly involved in the sourcing or permitting of critical materials extraction.

*Question 4.* Around 2 months ago when mentioning the Administration's announcement of \$5 billion to be used to build out nationwide electric vehicle charging infrastructure, you noted that Americans from "rural to suburban to urban commu-

nities can all benefit from the gas savings of driving an EV". The average cost of a gallon gasoline in Utah is \$4.48 and nationally is \$4.19. Is your policy solution to these rising gas prices to encourage Americans to buy an electric vehicle?

Answer. Lowering costs for American families is a top priority for this administration. Thanks in part to decisive action from the President, including using the Strategic Petroleum Reserve to help stabilize markets and shore up supply, the cost of gasoline fell at the fastest rate ever over the summer; a reduction of nearly \$2 a gallon from peak costs. The administration has also taken action to reduce costs in the long-term, including giving more people the option to enjoy cost savings that come with electric vehicle ownership through programs like NEVI. Independent analysis shows EVs save Americans between \$6,000 and \$10,000 over the lifetime of a vehicle. This is especially true for people who drive longer distances with disproportionate benefit to people who live in rural areas.

I want the United States to lead in both the technology and manufacturing of electric vehicles because it increases our global competitiveness and creates good-paying American manufacturing jobs. We've already seen significant investment from both domestic and foreign companies in U.S. manufacturing facilities as a result of this administration's leadership. What's more, vehicle electrification is a key component to meeting the Administration's commitment to carbon neutrality by 2050 and has the potential to dramatically reduce reliance on foreign-controlled non-renewable fuel sources. The Administration is working diligently to rollout new EV charging infrastructure nationwide, so that EV vehicle use is more accessible to all Americans.

*Question 5.* Mr. Secretary, thankfully the Administration has not attempted to extend its unconstitutional COVID-19 vaccine mandates to interstate travel. However, I have yet to hear that the Administration has yet to rule out such requirements for interstate travel. Do you agree that COVID-19 vaccine mandates should never be required as a condition of domestic travel?

Answer. We can all agree that the impacts of COVID-19 have been harmful not only to human life but also our economy and supply chains. There are no requirements for COVID-19 vaccine for interstate travel as part of our country's COVID response and I do not believe such mandates are feasible or necessary.

*Question 6.* When COVID-19 began, e-commerce sales hit an unprecedented rate, frustrating our already troubled supply chain infrastructure and workforce. Some of these challenges include truck driver shortages, outdated scheduling technology, port concentration, lack of storage capacity for containers, port labor difficulties, and scarce freight equipment such as truck chassis. Absent any changes, how long do you predict the current supply chain crisis will continue?

Answer. The COVID-19 pandemic stressed our supply chains, as we saw historic levels of goods coming into the U.S., aging infrastructure, and geopolitical disruptions that continue to cause challenges in domestic and global markets. Last year also had an all-time record high in throughput and retail sales. Despite challenges, there are signs of progress in our goods movement chain, including reduced congestion at U.S. ports, a resurgent workforce, and heightened coordination across supply chain sectors due to leadership of the White House-led Supply Chain Disruptions Task Force (SCDTF). Thanks to the historic infrastructure resources and the leadership of this Administration we are investing in strengthening our supply chains to avoid this level of disruption in the future. While I cannot predict when supply chains will return to pre-pandemic levels, I can assure you that DOT, working with the SCDTF and every part of the supply chain, will continue to work toward the safe and efficient movement of goods through the U.S. and beyond.

*Question 7.* One part of the challenge has been finding storage for containers to meet the overflow of demand. In your testimony, you mentioned the use of pop-up inland ports in Seattle, Savannah, and Oakland. Would you support the strategic use of certain areas of Federal land or property to allow for more storage of containers? What about existing inland port infrastructure?

Answer. As stronger consumer demand continues to push unprecedented container volumes through U.S. coastal ports, the Department is committed to reducing port congestion and backlog. Whether on private or Federal land, pop-up inland ports have recently, as of May 2022, contributed to ports maintaining an all-time flow of cargo across their terminals, and continue to serve industries most affected by supply chain disruption brought on by the pandemic, such as agricultural exports. The Department continues to explore resources available to assist ports in finding space for their inbound cargo.

As required by the Ocean Shipping Reform Act (OSRA), the Department, in consultation with the Maritime Administration (MARAD) and the Federal Maritime Commission (FMC), convened a meeting on September 26, 2022, to discuss the feasi-

bility of, and strategies for, identifying Federal and non-Federal land, including inland ports, for the purposes of storage and transfer of cargo containers due to port congestion. That same day the Department published a request for comment and information from representatives across the supply chain on the feasibility of identifying land or property for storage and transfer of cargo containers. The Department is currently reviewing the comments that were submitted and, in consultation with MARAD and the FMC, will submit a report to Congress regarding its review and any related recommendations as required by OSRA.

*Follow-up.* Do you support the use of the deployment of advanced technology at our ports, including automated technologies?

Answer. As we saw during the pandemic, our maritime workforce, including port workers, is an essential part of the supply chain. We support technologies that facilitate efficiency, health, and safety in the supply chain and promote growth in good paying jobs at ports.

*Question 8.* Mr. Secretary, in your testimony you noted the push to recruit more truck drivers to help stem the rising costs of shipping. On February 7, 2022, the FMCSA issued new entry level driving training regulations. While I do appreciate the need to focus on safety, I have been informed by many in my state additional costs to take the required classes could range from \$2500 to \$8500. Will additional costs like this not actually make it more difficult to fill the driver needs that we already have?

Answer. The Entry-level Driver Training rules were mandated by Congress to improve driver safety. FMCSA will continue to engage with States and stakeholders on implementation and is working closely with States to reduce any backlogs on CDL testing or issuance. Part of this backlog is due to a comparatively higher failure rate for first-time CDL skills test takers. We believe the new Entry-Level Driver Training regulations will increase the first-time pass rate, getting licenses in safe drivers' hands more quickly and ultimately helping to save time and resources.

*Question 9.* Relieving our commercial supply chain delays, protecting resilient supply chains for critical materials, boosting U.S. energy exports to support our allies, decreasing the costs of exports of U.S. manufactured and agriculture products and goods, and protecting our coastal communities from systematic flooding and powerful storms are interests that I think we both share. I believe that we will be aided in these goals by boosting American dredging capacity. We have recently seen consequences that could ensue if we do not have dredging capacity. In fact, the recent example of the container ship "Ever Forward" that was recently stuck in the mud in the Chesapeake Bay for 37 days highlights how our lack of dredging capacity is a major concern and can cause serious setbacks. Do you agree dredging at our ports is important, and should be a key focus of our supply chain strategy if we want to increase U.S. competition globally and protect U.S. interests? Are you willing to work with me on this issue?

Answer. I agree that ensuring the country's freight infrastructure and supply chains are strong and resilient is critical, which is why it's so important that the Bipartisan Infrastructure Law (BIL) provided a historic \$17 billion toward port and waterway infrastructure. DOT is working hard to implement our more than \$2 billion portion of that funding through the Port Infrastructure Development Program (PIDP) and America's Marine Highway programs and will support as necessary the other Federal agencies engaged in implementing their waterway portions of BIL, including USACE—which has the legislative mandate for maintaining Federal navigation channels.

*Question 10.* On April 25, 2022, the White House released a Domestic Counter-Unmanned Aircraft Systems National Action Plan to address UAS threats within the United States. Airports are one area of concern in that state and local governments as well as the DHS lack the authority to mitigate threats around airports. Would you support empowering state and local authorities with counter drone authority so that they could partner with the FAA and DHS to mitigate drone threats at airports?

Answer. The FAA has collaborated with the National Security Council and an interagency multidisciplinary team on an Administration Legislative Proposal for expanded UAS detection and counter-UAS authorities that has been transmitted to Congress. The Administration's proposal incorporates robust safeguards and measures for Federal oversight to ensure these authorities are responsibly extended to state, local, tribal and territorial (SLTT) governments without increasing undue risk to the national airspace system (NAS). These safeguards include provisions for necessary planning, training, and coordination criteria for any extension of authority that will ensure the safety of the airspace is not jeopardized by the improper use of any extended UAS detection or counter-UAS authority. A critical first step in that

proposal is an expansion of “UAS detection only” authorities. This expansion would permit select personnel from DOD, DOE, DOJ, DHS, State, DOI, NASA, critical infrastructure owners and operators, and SLTT law enforcement agencies with assigned duties that include the safety, security, or protection of people, facilities, or assets to conduct UAS detection, tracking, identification, and monitoring activities—not mitigation—when using authorized equipment from a list developed by DHS and DOJ in coordination with the FAA, the Federal Communications Commission, and the National Telecommunications and Information Administration to ensure the systems do not adversely impact the national airspace or communication spectrums. In addition, the Administration’s proposal includes a time-limited pilot program for up to 12 SLTT law enforcement agencies per year to engage in authorized UAS detection and mitigation activities following Federal safeguards, notwithstanding the Federal laws that may otherwise bar such activities. It takes an interim, temporary step that will let Congress, the Executive Branch, and the SLTT agencies evaluate the costs and benefits associated with a possible future expansion of the authority.

*Question 11.* States oftentimes use Federal money for simple infrastructure projects for compliance reasons, and solely use state funds on difficult, complex infrastructure projects because the regulatory burdens associated with Federal requirements oftentimes raise the cost of the project by roughly 20 percent. This is especially challenging in my home state of Utah when the Federal government owns most of Utah’s land. Since you have taken office, what specific steps have you taken to reduce the Federal regulatory compliance burden on infrastructure projects?

Answer. We are committed to working with the States to help deliver transportation projects on time, on task, and on budget, and that means ensuring that our permitting processes are efficient. In October 2022, the White House hosted the Accelerating Infrastructure Summit. At the Summit, the Administration and outside organizations announced new efforts and an Action Plan to accelerate the rebuilding of our Nation’s infrastructure and maximize this once-in-a-generation opportunity to build a better America.

As part of the efforts, the Department will launch a Project Delivery Center of Excellence at the Volpe Center to support and educate transportation infrastructure project managers in States, Tribes, local, regional and territorial governments on project design, planning, and construction. It will serve as a central resource for the most innovative and effective practices and bring project managers together to learn from one another.

The Department’s FHWA will expand its Every Day Counts program to include all types of surface transportation—including highways, rail, and transit. The program is a partnership between FHWA and state departments of transportation that identifies and rapidly deploys proven, yet underutilized, innovations in transportation construction.

In addition, in January 2022, the Department completed implementation of 23 U.S.C. 139(q), pursuant to section 11301 of BIL, which requires the Department to consult with specified Federal agencies to identify National Environmental Policy Act (NEPA) Categorical Exclusions (CEs) available to the FHWA that could accelerate the delivery of projects if available to those agencies, and to provide those agencies with the relevant information to substantiate use of those CEs.

Additionally, in May 2022, FHWA renewed three memorandums of understanding (MOUs) with States that have been assigned the Department’s NEPA responsibilities for highway projects pursuant to 23 U.S.C. 327. These three MOU renewals included the State of Utah’s Department of Transportation, which has been assigned the Department’s NEPA responsibilities since 2017.

In September 2022, FHWA, FTA, and FRA published Environmental Review Provisions in BIL/IIJA Questions and Answers (FAQs). The FAQs provide Agency staff and project sponsors with direction regarding the changes to these processes. The FAQs are posted on the Environmental Review Toolkit website.

*Question 12.* The Biden Administration recently finalized a NEPA rule that rescinded the Trump Administration’s modernized NEPA rules. These rules meant to help fuel our infrastructure deployment in an environmentally responsible manner. How will the finalized CEQ rules generally affect the costs associated with infrastructure projects as well as the timeline for the project’s delivery?

Answer. The Council on Environmental Quality’s recent NEPA rule made a narrow set of changes to the rule finalized in 2020, generally affirming regulatory provisions from the 1978 regulations. These changes should not affect the costs associated with DOT-funded Infrastructure Projects or adversely affect their timeline. Additionally, the Department continues to pursue multiple strategies to make the environmental review and permitting process more efficient while ensuring protection

for communities and the environment. DOT will assist grant recipients in navigating the environmental review and permitting process.

*Question 13.* One change in the Administration's NEPA rules was to revert to 1978 regulations that require the assessment of "indirect effects" (although the term is not used in the NEPA statute). How will the assessment of "indirect effects" generally affect the overall cost an infrastructure project as well as the timeline for the project's delivery?

*Answer.* The Council on Environmental Quality's recent NEPA rule made a narrow set of changes to the rule finalized in 2020, generally affirming regulatory provisions from the 1978 regulations. The restoration of the term "indirect effects" does not meaningfully alter the analysis required in the NEPA process and therefore will not affect the costs associated with DOT environmental reviews or affect timelines for project delivery.

*Follow-up.* Another change in the Administration's NEPA rules was to remove language that requires an agency to consider reasonable alternatives within an agency's statutory authority. In your view, should agencies be able to propose NEPA alternatives outside of their statutory authority?

*Answer.* The Council on Environmental Quality's recent NEPA rule made a narrow set of changes to the rule finalized in 2020, generally affirming regulatory provisions from the 1978 regulations. When circumstances warrant, the decision maker should be aware of alternatives that may be outside the agency's statutory authority; however, these circumstances do not occur often with DOT-funded projects and are determined on a case-by-case basis.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RON JOHNSON TO  
HON. PETE BUTTIGIEG

*Question 1.* The bipartisan infrastructure bill reauthorized the Motorcycle Advisory Council for six years. The council will help ensure that the Department of Transportation includes and considers the interests and concerns of the motorcycle community. This is especially important when it comes to any rules and regulations for autonomous vehicles and ensuring these vehicles consistently detect and avoid collision with motorcycles. The bill required DOT to establish the council no later than 90 days after enactment, which was February 13, 2022. What is the status of establishing the council and when can we expect you to establish it?

*Answer.* The Department is working across its modal administrations to establish the Motorcycle Advisory Council (MAC). While this coordination is underway, DOT is continuing to move forward with implementing the 2020 MAC recommendations under the Federal Highway Administration's leadership and is considering how to incorporate the expanded MAC roles into this effort as outlined in the Bipartisan Infrastructure Law (BIL).

*Question 2.* Recently, I met with many truck drivers, including independent owner-operators and company drivers, in DC and in Wisconsin. Each of them stressed their concern with the limited parking available for their trucks. Drivers described having to choose among parking illegally to abide by hours of service (HOS) requirements, violating their HOS in order to find legal parking, or taking breaks earlier than required or than they would like in order to avoid parking and/or HOS violations. The latter delays and lengthens trips, which exacerbates the ongoing supply chain issues. What are you doing currently to address this issue?

*Answer.* DOT shares your view that we must address truck parking shortages, which are a national concern affecting the efficiency of U.S. supply chains and the safety of truck drivers and other roadway users. The trucking industry is vital to the U.S. economy, with trucks moving over 73 percent of the Nation's goods by value, and over 67 percent by weight. Section 1401 of MAP-21 (Jason's Law) required DOT to conduct a periodic survey related to truck parking. Following completion of the first Jason's Law survey, DOT proactively established the National Coalition on Truck Parking (Coalition) in 2015. Led by the Federal Highway Administration (FHWA), the Coalition has included participation from the Federal Motor Carrier Safety Administration, Maritime Administration, and stakeholders such as the American Association of State Highway and Transportation Officials, American Trucking Associations, Owner-Operator Independent Drivers Association, National Association of Truck Stop Operators, and the Commercial Vehicle Safety Alliance.

Jason's Law also established eligibility for a range of projects to provide commercial motor vehicle parking that serves the National Highway System (NHS) and improves the safety for commercial motor vehicle operators. Truck parking related projects are eligible under several Federal-aid formula programs. The Department



evaluated eligibility for truck parking projects under other programs established or amended in BIL and included language on truck parking eligibility in the guidance and in NOFOs when applicable. In addition, FHWA and FMCSA issued a joint guidance memorandum to the field outlining their formula and discretionary programs that have truck parking eligibility. This is posted on the FHWA website for the public, along with the results of the 2015 and 2019 Jason's Law surveys, and products from the National Coalition on Truck Parking working groups.

DOT has also awarded discretionary grant funding to support truck parking. For example, in Fiscal Year 2022, DOT awarded \$37,600,000 in INFRA grants for truck parking and facilities, as well as \$1,445,947 under the High Priority (HP) Grant Program to enhance commercial vehicle operator awareness of truck parking availability.

On September 30, 2022, the Department convened state, industry, and Federal leaders at a meeting of the National Coalition of Truck Parking to share resources available in BIL to address the Nation's truck parking shortage, which puts all road users at risk and is costing truck drivers time and money. At the meeting, DOT shared a new handbook for States and other stakeholders that details strategies for developing truck parking and best practices on designing and constructing new truck parking. Officials also discussed the new and expanded funding resources that are eligible for truck parking projects to make the United States' freight system safer and more efficient. This meeting builds on the commitments of the Administration's Trucking Action Plan, focused on creating a stable and safe trucking workforce that offers good-paying jobs to millions of truck drivers.

*Question 3.* Inflation hit a 40-year high of 8.5 percent in April 2022. What measures do you think Congress and the Administration should take to help lower inflation and the high costs for goods and services?

Answer. Reducing costs for Americans and combatting inflation is the top priority for the Biden-Harris administration. The Administration is leveraging every tool at our disposal in this effort to help lower inflation and reduce costs for goods and services, including releasing oil from our strategic reserves, making investments in our infrastructure to strengthen our supply chains, and promoting competition to make sure big corporations are offering consumers fair prices. The Inflation Reduction Act also helps ease the overall cost burden on American families by lowering the cost of insulin and prescription drugs, finally allowing Medicare to negotiate drug prices and preventing pharmaceutical companies from over-charging at the expense of older Americans.

Additionally, the Department understands that cost increases are disruptive to the overall planning, design, and construction of infrastructure projects. That is why DOT has historically required project sponsors to include contingency funding in their financial plans when applying for discretionary grant funding to account for unforeseen cost increases due to a variety of factors, including inflationary costs increases. This practice has proven effective at helping to ensure that project sponsors are able to withstand price increases and complete needed projects. Finally, the Department has a strong record of working collaboratively with communities to find mutually agreeable solutions and amend grant agreements where needed to address unforeseen cost increases or other disruptions to projects awarded transportation infrastructure grants.

In October 2022, the White House hosted the Accelerating Infrastructure Summit. At the Summit, the Administration and outside organizations announced new efforts and an Action Plan to accelerate the rebuilding of our Nation's infrastructure and maximize this once-in-a-generation opportunity to build a better America.

As part of the efforts, the Department will launch a Project Delivery Center of Excellence at the Volpe Center to support and educate transportation infrastructure project managers in States, Tribes, local, regional and territorial governments on project design, planning, and construction. It will serve as a central resource for the most innovative and effective practices and bring project managers together to learn from one another.

Finally, the Department's FHWA will expand its Every Day Counts program to include all types of surface transportation—including highways, rail, and transit. The program is a partnership between FHWA and state departments of transportation that identifies and rapidly deploys proven, yet underutilized, innovations in transportation construction.

*Question 4.* Canceling the Davis-Bacon prevailing wage rule for Federal construction projects would lower costs. The Davis-Bacon wage increases Federal construction costs by about 10 percent. *Studies* show that in some regions, the Davis-Bacon wage grossly exceeds the market wage and in others, it staggeringly undercuts the market wage. Another *study* shows that reducing tariffs could lower inflation by 1.3

percent. On May 12, the Administration canceled offshore lease sales in three regions off the U.S. coastline. A few days later on May 16, the average price per gallon of price reached over \$4 in nearly every state. Industry experts say offshore production necessitates up-front investment and regulatory certainty. Encouraging and facilitating domestic production could help lower gas prices. Do you support any of these measures?

Answer. Americans who work hard building the infrastructure this country depends on should be paid a decent wage. The Department strongly supports the application of Davis-Bacon to Federal construction projects and does not believe that those rules should be relaxed. These projects create good jobs in local communities across our country, and the requirements of the Davis-Bacon law are good for workers, good for building high-quality infrastructure and for ensuring we have a strong construction industry as we rebuild America.

*Question 5.* The Administration's FY 2023 budget request includes \$22 billion more than the FY 2022 enacted level. This request came after the President signed the \$1.2 trillion bipartisan infrastructure bill into law, which included \$550 billion in new funding. How should Congress and the American people pay for this increase, if enacted?

Answer. I am eager to work with Congress on a bipartisan basis to identify funding options to make the investments our communities so urgently need while creating good-paying jobs. Investments in infrastructure are a force multiplier and generally the return on infrastructure investment is repaid to communities many times over. We must ensure that infrastructure funding is predictable and dedicated.

*Question 6.* Which operating administrations is DOT requesting FY23 funding above the authorized amounts in the bipartisan infrastructure bill, and why do you need more funding than what is authorized in the law?

Answer. In the following accounts, the Department proposes a slightly higher discretionary level in the FY 2023 President's Budget than the authorized level in BIL in order to support key services and activities:

- *NHTSA's Operations and Research (D) account* (\$204,300,219 authorized level vs. \$272,650,000 request): To support the simultaneous rulemaking of the Corporate Average Fuel Economy (CAFE) Standards for Light Vehicles and Medium/Heavy Duty Phase 3 Fuel Efficiency Standards, upgrades to the New Car Assessment Program (NCAP), and accelerated research into and adoption of emerging vehicle technologies surrounding rulemaking, enforcement, and research activities, including Automated Driving Systems (ADS), Advanced Driver Assistance Systems (ADAS), heavy vehicle safety technologies, vehicle cybersecurity among others. Additionally, to support increased staffing and associated costs to deliver the additional rulemaking, enforcement, and research activities detailed above.
- *FRA's Railroad Research & Development (D) account* (\$44,000,000 authorized level vs. \$58,000,000 request): To support new and ongoing work in five rail safety disciplines, which include the track program, rolling stock program, train control and communication, human factors program, and railroad system issues program. The increased funding will support important IIJA and Administration priorities, including \$5 million for Climate and Resilience solutions, up to \$5.8 million for the Rail R&D Center of Excellence, and \$3 million for Transportation Technology Center construction.
- *FRA's Safety & Operations (D) account* (\$254,000,000 authorized level vs. \$254,426,000 request): To support increased staffing among safety and project development functions including railroad safety inspectors, and other key initiatives such as the expansion of participating railroads in the Confidential Close Call Reporting System.
- *PHMSA's Hazardous Materials Safety (D) account* (\$68,000,000 authorized level vs. \$74,211,000 request): To support new and ongoing activities providing oversight of the safe transportation of hazardous materials, including 15.5 new FTE in accident investigation, emerging energy, and outreach; the restoration of Hazardous Materials Safety & Development to pre-FY 2021 levels, to focus on innovative research and emerging technologies; and increased safety inspections through the State Hazardous Materials Inspections Program.

*Question 7.* How much funding does DOT have from the CARES Act and Response and Relief Act that is left unallocated?

Answer. With the exception of \$316,000 in expired MARAD CARES Act funding and \$979,000 in expired FAA CRRSA funding, all funding from these two supplementals is allocated at this time.

*Follow-up.* Do you plan on returning any unallocated funds to the Department of Treasury?

Answer. In general, there are three well-established mechanisms for agencies to return funds to the General Fund of the U.S. Treasury:

- 1) Cancellation at the end of the fifth expired year, pursuant to 31 U.S.C. 1552
  - a. DOT does not have any CARES/CRRSA funds that qualify for this action in the near term.
- 2) Withdrawal of unused funds once purpose is fulfilled and no outlays have occurred for two consecutive years, pursuant to 31 U.S.C. 1555.
  - a. DOT does not have any CARES/CRRSA funds that qualify for this action in the near term.
- 3) Rescission of balances pursuant to Public Law.
  - a. Treasury will not accept these funds without an enacted law establishing the rescission.
  - b. At this time, DOT anticipates fully allocating the funds made available under the CARES Act and the CRRSA Act.

The Department will continue to review funding needs and necessary expenses in consideration of responsible financial stewardship and ensure funds are returned to Treasury if warranted at the appropriate future points in time.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RICK SCOTT TO  
HON. PETE BUTTIGIEG

*Question 1.* What tangible actions is the Department taking right now to reduce inflation, which is caused by this administration's supply chain crisis, as well as reckless government spending?

Answer. The experience of high inflation is not the result of this administration's policies, as demonstrated by the fact that other Western countries have experienced comparable or higher rates of inflation in the wake of COVID. Fortunately, rates of inflation are slowing in the U.S., and reducing costs for Americans and combating inflation is the top priority for the Biden-Harris administration. The President is leveraging every tool at his disposal in this effort to help lower inflation and reduce costs for goods and services, including releasing oil from our strategic reserves and making investments in our infrastructure to strengthen our supply chains. The Inflation Reduction Act also helps ease the overall cost burden on American families by lowering the cost of insulin and prescription drugs, finally allowing Medicare to negotiate drug prices and preventing pharmaceutical companies from over-charging at the expense of older Americans.

As a result of the COVID-19 pandemic, we have seen stressed supply chains across the globe, due to many factors, including historic levels of goods coming into the U.S., aging infrastructure as well as geopolitical disruptions that continue to cause challenges in domestic and global markets. Despite challenges, there are signs of progress in our goods movement chain, including reduced congestion at U.S. ports, a resurgent workforce since the start of the pandemic, and heightened coordination across supply chain sectors due to leadership of the White House-led Supply Chain Disruptions Task Force (SCDTF). Thanks to BIL and the leadership of this Administration we are investing in strengthening our supply chains to avoid this level of disruption in the future.

*Follow-up.* When will we see reduced inflation?

Answer. We have seen reductions in inflation in recent months, partly thanks to the clear strategy laid out by the President, including actions both the Administration and Congress took. The Administration worked hard to enact the Inflation Reduction Act, is investing in our supply chains and working to invest in the capacity, both physical and human, of our economy to keep up with demand, both of which should help address inflationary pressures. At the same time, the Administration recognizes the important role of the Federal Reserve in setting monetary policy.

*Question 2.* Earlier this year I introduced the TRUCKERS Act (S. 3701), which would exempt commercial truck drivers from Canada or Mexico who are seeking to temporarily enter the United States for business through a land port of entry from any COVID-19 vaccination requirement. With the improving situation with COVID-19, why has this onerous vaccination policy for inbound truckers not been lifted when relief to the current supply chain crisis is desperately needed?

Answer. DOT continues to work closely with interagency partners, including DHS and CDC, to provide up-to-date information on the potential impacts of COVID-19 requirements, to inform the best policy moving forward.

*Question 3.* For international travel, the United States continues to have a policy in place where a negative test is required within one day of departure when flying into the United States, regardless of vaccination status. Are you working with your colleagues at the CDC and the White House to determine the appropriate metrics that would be required to lift this requirement?

Answer. DOT continues to support its Federal partners in the COVID-19 response and recovery. As of June 12, the Centers for Disease Control and Prevention (CDC) no longer requires pre-departure COVID-19 testing for U.S.-bound air travelers.

