

OVERSIGHT OF THE DEPARTMENT OF TRANSPORTATION'S POLICIES AND PROGRAMS

(118-29)

HEARING

BEFORE THE

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTEENTH CONGRESS

FIRST SESSION

SEPTEMBER 20, 2023

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CONTENTS

	Page
Summary of Subject Matter	v
STATEMENTS OF MEMBERS OF THE COMMITTEE	
Hon. Sam Graves, a Representative in Congress from the State of Missouri, and Chairman, Committee on Transportation and Infrastructure, opening statement	1
Prepared statement	3
Hon. Rick Larsen, a Representative in Congress from the State of Washington, and Ranking Member, Committee on Transportation and Infrastructure, opening statement	4
Prepared statement	6
WITNESSES	
Hon. Pete Buttigieg, Secretary of Transportation, U.S. Department of Transportation, oral statement	7
Prepared statement	9
SUBMISSIONS FOR THE RECORD	
Letter of March 23, 2023, to Hon. Toni G. Atkins, California Senate President Pro Tem et al., from Louis S. Thompson, Chair, California High-Speed Rail Peer Review Group, Submitted for the Record by Hon. Troy E. Nehls ...	30
Article entitled, “Alliance Aims for Equitable Placement of EV Chargers,” by Taylor Wooten, Indianapolis Business Journal, September 8, 2023, Submitted for the Record by Hon. André Carson	36
Article entitled, “Twin Metals Says It Will Use an Electric Vehicle Fleet; Opponents Aren’t Swayed,” by Walker Orenstein and Yasmine Askari, MinnPost, August 12, 2021, Submitted for the Record by Hon. Jared Huffman	47
Submissions for the Record by Hon. Derrick Van Orden:	
Photograph	133
Article entitled, “Here It Is Better Not To Be Born: Cobalt Mining for Big Tech Is Driving Child Labor, Deaths in the Congo,” by Louise Boyle, The Independent, February 23, 2023	138
Blog post entitled, “The DRC Mining Industry: Child Labor and Formalization of Small-Scale Mining,” by Michele Fabiola Lawson, Wilson Center, September 1, 2021	142
Article entitled, “The Dark Side of Congo’s Cobalt Rush,” by Nicolas Niarchos, The New Yorker, May 24, 2021	143
Letter of September 20, 2023, to Hon. Sam Graves, Chairman, and Hon. Rick Larsen, Ranking Member, Committee on Transportation and Infrastructure, from Kristen Swearingen, Vice President, Legislative and Political Affairs, Associated Builders and Contractors, Submitted for the Record by Hon. Sam Graves	137
APPENDIX	
Questions to Hon. Pete Buttigieg, Secretary of Transportation, U.S. Department of Transportation, from:	
Hon. Sam Graves	155
Hon. Rick Larsen	160
Hon. Eric A. “Rick” Crawford	162
Hon. Brian Babin	163
Hon. Garret Graves	163
Hon. David Rouzer	163
Hon. Mike Bost	164

	Page
Questions to Hon. Pete Buttigieg, Secretary of Transportation, U.S. Department of Transportation, from—Continued	
Hon. Doug LaMalfa	165
Hon. Bruce Westerman	166
Hon. Pete Stauber	167
Hon. Jefferson Van Drew	167
Hon. Troy E. Nehls	167
Hon. Lance Gooden	168
Hon. Tracey Mann	170
Hon. Rudy Yakym III	170
Hon. Eleanor Holmes Norton	172
Hon. John Garamendi	172
Hon. Julia Brownley	173
Hon. Donald M. Payne, Jr.	174
Hon. Mark DeSaulnier	177
Hon. Greg Stanton	180
Hon. Seth Moulton	182
Hon. Mary Sattler Peltola	184



Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

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SEPTEMBER 15, 2023

SUMMARY OF SUBJECT MATTER

TO: Members, Committee on Transportation and Infrastructure
FROM: Staff, Committee on Transportation and Infrastructure
RE: Full Committee Hearing on “*Oversight of the Department of Transportation’s Policies and Programs*”

I. PURPOSE

The Committee on Transportation and Infrastructure will meet on Wednesday, September 20, 2023, at 10:00 a.m. ET in 2167 of the Rayburn House Office Building to receive testimony at a hearing entitled “*Oversight of the Department of Transportation’s Policies and Programs.*” The hearing will provide an opportunity for Members to discuss all aspects of the United States Department of Transportation (DOT or Department), including the Administration’s actions to date implementing the Infrastructure Investment and Jobs Act (IIJA) (P.L. 117–58). The Committee will receive testimony from DOT Secretary Pete Buttigieg.

II. BACKGROUND

DOT

Pursuant to the United States House of Representatives Rule X(1)(r), the Committee on Transportation and Infrastructure authorizes programs carried out by DOT modal administrations and offices including:

- Federal Aviation Administration (FAA);
- Federal Highway Administration (FHWA);
- Federal Motor Carrier Safety Administration (FMCSA);
- National Highway Traffic Safety Administration (NHTSA);
- Federal Transit Administration (FTA);
- Federal Railroad Administration (FRA);
- Maritime Administration (MARAD);
- Pipeline and Hazardous Materials Safety Administration (PHMSA);
- Great Lakes Saint Lawrence Seaway Development Corporation (GLS); and
- Office of the Secretary (OST).

On December 15, 2020, President Biden nominated Pete Buttigieg to be the Secretary of Transportation. The Senate Committee on Commerce, Science, and Transportation held a confirmation hearing on the nomination on January 21, 2021. The Senate confirmed Secretary Buttigieg on February 2, 2021, by a vote of 86–13.¹

¹ See Sen. Roll Call Vote No. 11 (Feb. 2, 2021) (on the Nomination of Peter Paul Montgomery Buttigieg, of Indiana, to be Sec’y of Transp.; confirmed 86 yeas to 13 nays), available at https://www.senate.gov/legislative/LIS/roll_call_votes/vote117/vote_11_00011.htm.

FISCAL YEAR (FY) 2024 BUDGET REQUEST

The President's FY 2024 Budget requests \$108.5 billion for DOT, an increase of \$1 billion, or one percent, compared to FY 2023 enacted levels.² In addition, DOT will receive \$36.8 billion in advance supplemental funding from IIJA, bringing DOT's total FY 2024 budget resources to \$145.3 billion.³ Of the requested funding, the President's budget proposes \$19.8 billion for FAA, \$60.8 billion for FHWA, \$17 billion for FTA, \$4.8 billion for FRA, \$1.3 billion for NHTSA, \$951 million for FMCSA, \$980 million for MARAD, \$387 million for PHMSA, \$40 million for the GLS, \$2.3 billion for OST, and \$121 million for the Office of the Inspector General (OIG).⁴ DOT's budget largely supports contract authority programs funded from the Highway Trust Fund and Airport and Airway Trust Fund, competitive grants, operations, and other modal administration spending.

III. IIJA IMPLEMENTATION

On November 15, 2021, the President signed IIJA into law, representing the largest Federal investment in decades in the United States' infrastructure.⁵ This legislation authorized and appropriated a combined \$1.2 trillion for infrastructure programs over the five-year period from FY 2022 to FY 2026, to sustain and modernize the Nation's infrastructure, including roads, bridges, transit, railroads, and airports, as well as energy and broadband.⁶ Of the total authorized and appropriated in IIJA, approximately \$661 billion is administered by DOT.⁷

Since IIJA's enactment, as of August 27, 2023, DOT has indicated it has announced \$184 billion in IIJA formula funding and grant awards to states, local governments, transit agencies, airports, ports, and other project sponsors.⁸ FHWA has distributed approximately \$125 billion under the highway program.⁹ Analysis of FHWA data by the American Road & Transportation Builders Association (ARTBA) indicates that States have used these formula dollars to support more than 50,000 projects across the country, through June 30, 2023.¹⁰ Additionally, FTA has distributed approximately \$41 billion in transit funding, FAA has announced nearly \$10 billion in airport funding, and OST has announced approximately \$6.6 billion in grants for various programs.¹¹ See appendix I for additional information on budgetary resources by modal agency provided by DOT. However, some stakeholders are

² DOT, BUDGET HIGHLIGHTS 2024, 12, (2023), available at https://www.transportation.gov/sites/dot.gov/files/2023-03/BudgetHL2024_Mar09_3pm_508.pdf.

³ *Id.* at 1.

⁴ *Id.* at 7–11.

⁵ IIJA, Pub. L. No. 117–58, (2021), 135 Stat. 429 [hereinafter IIJA].

⁶ FHWA, *Bipartisan Infrastructure Law*, available at <https://www.fhwa.dot.gov/bipartisan-infrastructure-law/> (last updated Mar. 20, 2023).

⁷ See DOT, *IIJA, Authorized Funding FY 2022 to FY 2026*, available at https://www.transportation.gov/sites/dot.gov/files/2022-01/DOT_Infrastructure_Investment_and_Jobs_Act_Authorization_Table_%28IIJA%29.pdf (Comm. on Transp. and Infrastructure calculation).

⁸ See Appendix I—IIJA Financial Summary as of Aug. 27, 2023, Email from Staff, OST, DOT, to H. Comm. on Transp. and Infrastructure Staff (Sept. 13, 2023, 10:08 p.m.) (on file with Comm.) [hereinafter—IIJA Financial Summary as of Aug. 27, 2023].

⁹ *Id.*

¹⁰ ARTBA, *Highway Dashboard, Tracking Infrastructure Investment & Jobs Act Highway and Bridge Resources*, (last accessed Sept. 13, 2023), available at <https://www.artba.org/economics/highway-dashboard-ijja/>.

¹¹ See IIJA Financial Summary as of Aug. 27, 2023, *supra* note 8; DOT, FTA, *Table 1. FY 2023 FTA Appropriations and Apportionments for Grant Programs (Full Year)*, (last updated Feb. 6, 2023), available at <https://www.transit.dot.gov/funding/apportionments/table-1-fy-2023-fta-appropriations-and-apportionments-grant-programs-full>; DOT, FTA, *Table 1. FY 2022 FTA Appropriations and Apportionments for Grant Programs (Full Year)*, (last updated May 4, 2022), available at <https://www.transit.dot.gov/funding/apportionments/table-1-fy-2022-fta-appropriations-and-apportionments-grant-programs-full>; DOT, *FY 2022 Mega Grant Awards*, (last updated Jan. 30, 2023), available at <https://www.transportation.gov/sites/dot.gov/files/2023-01/MEGA%20FY%202023%20Combined%20Fact%20Sheet.pdf>; DOT, *RAISE 2022 Award Fact Sheets*, (last updated Sept. 20, 2022), available at https://www.transportation.gov/sites/dot.gov/files/2022-09/RAISE%202022%20Award%20Fact%20Sheets_1.pdf; DOT, *RAISE 2023 Award Fact Sheets*, (last updated June 30, 2023), available at https://www.transportation.gov/sites/dot.gov/files/2023-06/RAISE%202023%20Fact%20Sheets_2.pdf; Press Release, DOT, *Biden-Harris Administration Funds Innovative Projects to Create Safer, More Equitable, Transportation Systems*, (Mar. 21, 2023), available at <https://www.transportation.gov/briefing-room/biden-harris-administration-funds-innovative-projects-create-safer-more-equitable>; DOT, *SS4A 2022 Awards*, (last updated Apr. 19, 2023), available at <https://www.transportation.gov/grants/ss4a/2022-awards>; DOT, FHWA, *Culvert AOP Program Grant Recipients*, (last updated Aug. 16, 2023), available at <https://www.fhwa.dot.gov/engineering/hydraulics/culverthydr/aquatic/2022-recipients.cfm>.

concerned with the slow rollout pace at which IIJA funding goes out to bid once it has been apportioned by DOT to States and other project sponsors. A 2023 outlook survey of its member companies by the Associated General Contractors of America (AGC), found that just five percent of companies responded they have worked on IIJA-funded projects to date, while six percent responded they had successfully bid on projects for which work had yet to begin.¹²

DOT is responsible for implementing 103 programs and 157 subprograms under IIJA.¹³ Some programs have not been implemented or took time to finalize. For example, the Department has not yet implemented provisions related to Vehicle Miles Traveled (VMT), including establishing the alternative funding board that is a precursor to pursuing a National VMT pilot program.¹⁴ Following inquiries from House Committee on Transportation and Infrastructure Chairman Sam Graves and Senate Committee on Environment and Public Works Chairman Tom Carper, DOT committed to filing the charter and publishing a notice in the Federal Register for the Advisory Board by the end of September, finally initiating progress on this requirement.¹⁵ Further, the Administration released initial implementation guidance related to the Build America, Buy America Act (BABAA) on April 18, 2022, and on February 9, 2023, the Office of Management and Budget (OMB) issued proposed guidance.¹⁶ In the interim, FHWA issued Questions and Answers related to BABAA on February 1, 2023, and on February 7, 2023, FTA held a webinar on the applicability of the BABAA construction materials provision.¹⁷ However, the stakeholder community stated that it needed additional clarity and final guidance in order to ensure proper compliance with these provisions.¹⁸ On August 23, 2023, 15 months after releasing its initial guidance, final guidance related to BABAA was issued.¹⁹

Inflation reached a 41-year record high of 9.1 percent in June 2022.²⁰ As of July 2023, the 12-month inflation rate had fallen to 3.2 percent.²¹ Additionally, in July 2023, producer prices—representing prices paid by businesses producing goods—increased 0.8 percent year-over-year.²² However, the prior month, Federal Reserve Chairman Jerome Powell remarked on moderated inflation rates and stated, “inflation pressures continue to run high.”²³ This marks the 29th consecutive month that the rate remains above the two percent the Federal Reserve targets for a stable

¹² AGC, SAGE, HIGH HOPES FOR PUBLIC FUNDING AMID WORKFORCE AND SUPPLY CHAIN CHALLENGES: THE 2023 CONSTRUCTION HIRING AND BUSINESS OUTLOOK, (2023), available at https://www.agc.org/sites/default/files/users/user22633/2023_Construction_Hiring_and_Business_Outlook_Report_Final.pdf.

¹³ DOT, *Bipartisan Infrastructure Law Dashboard*, available at <https://www.transportation.gov/mission/budget/bipartisan-infrastructure-law-dashboard>.

¹⁴ IIJA, *supra* note 5, § 13002 (g)(1).

¹⁵ Letter from the Hon. Shailen P. Bhatt, Administrator, FHWA, to the Hon. Sam Graves, Chairman, H. Comm. on Transp. and Infrastructure (Sept. 5, 2023) (on file with Comm.).

¹⁶ See M–22–11, MEMORANDUM FROM SHALANDA D. YOUNG, DIR., OFF. OF MGMT. AND BUDGET TO HEADS OF EXEC. DEPTS. AND AGENCIES, (Apr. 18, 2022), available at <https://www.whitehouse.gov/wp-content/uploads/2022/04/M-22-11.pdf>; Guidance for Grants and Agreements, 88 Fed. Reg. 8,374, (Feb. 9, 2023), available at <https://www.govinfo.gov/content/pkg/FR-2023-02-09/pdf/2023-02617.pdf>.

¹⁷ FHWA, *FHWA’s Buy America Q and A for Federal-aid Program*, available at https://www.fhwa.dot.gov/construction/contracts/buyam_qa.cfm (last updated Mar. 20, 2023); FTA, *Buy America Update, Construction Materials Waiver for Certain Contracts and Solicitations, FTA Internal Webinar*, YOUTUBE, (Feb. 7, 2023), available at <https://www.youtube.com/watch?v=61UYE680by4>.

¹⁸ *Reviewing the Implementation of the Infrastructure Investment and Jobs Act Before the Subcomm. on Highways and Transit. of the H. Comm. on Transp. and Infrastructure*, 118th Cong. (Mar. 28, 2023).

¹⁹ *Guidance for Grants and Agreements*, 88 Fed. Reg. 162, 57750 (Aug. 23, 2023).

²⁰ See Press Release, UNITED STATES BUREAU OF LABOR STAT., *Consumer Prices Up 9.1 Percent Over the Year ended June 2022, Largest Increase in 40 Years*, (July 18, 2022), available at <https://www.bls.gov/opub/ted/2022/consumer-prices-up-9-1-percent-over-the-year-ended-june-2022-largest-increase-in-40-years.htm>; Press Release, UNITED STATES BUREAU OF LABOR STAT., *Consumer Price Index Historical Tables for U.S. City Average*, (last updated July 2023), available at https://www.bls.gov/regions/mid-atlantic/data/consumerpriceindexhistorical_us_table.htm.

²¹ Press Release, UNITED STATES BUREAU OF LABOR STAT., *Consumer Price Index—July 2023*, (Aug. 10, 2023), available at <https://www.bls.gov/news.release/cpi.htm>.

²² Press Release, UNITED STATES BUREAU OF LABOR STAT., *Producer Price Indexes—July 2023*, (Aug. 11, 2023), available at <https://www.bls.gov/news.release/ppi.nr0.htm>.

²³ Jeff Cox, *Powell Expects More Fed Rate Hikes Ahead as Inflation Fight Has a Long Way to Go*, CNBC, (June 21, 2023), available at <https://www.cnbc.com/2023/06/21/powell-expects-more-fed-rate-hikes-ahead-as-inflation-fight-has-a-long-way-to-go.html>.

economy.²⁴ While there has been a decrease in inflation compared to June 2022, inflation continues to be “stubbornly high” compared to the Federal Reserve’s target.²⁵

Within the construction industry, inflation can result in higher costs of construction materials and other resources necessary for project completion including higher costs of fuel, equipment, technology, labor, and transportation.²⁶ In early 2022, the Eno Center for Transportation warned that if inflation for highway costs averaged higher than seven percent through 2027, the increased funding provided for highways under IJA could be eliminated entirely.²⁷ During a March 2023 Subcommittee on Highways and Transit hearing, the witness from the American Association of State Highway and Transportation Officials (AASHTO) also raised concerns about the ability of states to capitalize on IJA funding due to inflation, and noted that in Texas the moving average had increased to 34.7 percent whereas the IJA funds only represented “a six percent increase in Texas State DOT’s overall funding.”²⁸ AASHTO previously indicated in June 2022 that “[t]he cost of those projects is going up by 20 percent, by 30 percent, and just wiping out that increase from the Federal [G]overnment that they were so excited about earlier in the year.”²⁹ At the same hearing, testimony from ARTBA acknowledged the cost of construction inputs showed significant increases but noted variance in the extent of the problem by state, region, and project type including that “we have seen a significant number of states in which project bids continue to come in below the initial engineer’s estimates.”³⁰ Further, ARTBA noted that “any discussion about materials prices and inflation needs to also recognize that, without the infrastructure law, we would very likely be looking at a market contraction.”³¹ As the most recent Consumer Price Index (CPI) for August 2023 found that the all item index increased 3.7 percent, with the highest increase in the cost of gasoline, concerns remain that IJA’s purchasing power will be affected.³²

IV. SUPPLY CHAIN CHALLENGES

The supply chain is a network comprised of the entire process of making and selling commercial goods, from the supply of materials, manufacture of the goods, through their transportation, distribution, and sale.³³ Moving goods is critical to the

²⁴ *12-Month Percentage Change, Consumer Price Index, selected categories*, U.S. BUREAU OF LABOR STAT., available at <https://www.bls.gov/charts/consumer-price-index/consumer-price-index-by-category-line-chart.htm>.

²⁵ Kevin L. Kleisen, *Stubborn Inflation, Economic Resilience Major Themes in U.S. Outlook*, Federal Reserve Bank of St. Louis (June 27, 2023) available at <https://www.stlouisfed.org/publications/regional-economist/2023/june/stubborn-inflation-economic-resilience-us-outlook>.

²⁶ See e.g., Evan McDowell, *How Does Inflation Affect the Construction Industry?*, AUSTIN NICHOLS TECHNICAL SEARCH, (May 1, 2023), available at <https://www.austintec.com/how-inflation-affect-construction-industry/#:~:text=Additionally%2C%20raw%20materials%20such%20as,companies%20who%20order%20from%20them;THE%20CONSTRUCTOR,How%20Does%20Inflation%20Affect%20Construction%20Industry?,available%20at%20https://theconstructor.org/construction/inflation-affect-construction-industry/565090/>.

²⁷ See Jeff Davis, *How Much Could Inflation Erode IJA Buying Power?*, ENO CTR. FOR TRANSP., (Apr. 27, 2022), available at <https://www.enotrans.org/article/how-much-could-inflation-erode-ija-buying-power/>; Julie Strupp, *Inflation Could Sap Infrastructure Act’s Buying Power This Year*, CONSTRUCTION DRIVE, (Jan. 3, 2023), available at <https://www.constructiondrive.com/news/inflation-saps-infrastructure-act-ija-buying-power/639518/>.

²⁸ *Reviewing the Implementation of the Infrastructure Investment and Jobs Act Before the Subcomm. on Highways and Transit. of the H. Comm. on Transp. and Infrastructure*, 118th Cong. (Mar. 28, 2023) (statement of Marc D. Williams, Member of the Board of Directors, AASHTO).

²⁹ David A. Lieb & Michael Casey, *Inflation Taking a Bite Out of New Infrastructure Projects*, ASSOCIATED PRESS, (June 19, 2022), available at <https://apnews.com/article/inflation-us-infrastructure-projects-e89dcd5f3e623e532353f087265f9a63>.

³⁰ *Reviewing the Implementation of the Infrastructure Investment and Jobs Act Before the Subcomm. on Highways and Transit. of the H. Comm. on Transp. and Infrastructure*, 118th Cong. (Mar. 28, 2023) (statement of Paula Hammond, 2023 Chair, ARTBA).

³¹ *Id.*

³² See Press Release, UNITED STATES BUREAU OF LABOR STAT., *Consumer Price Index—August 2023*, (Sept. 13, 2023), available at <https://www.bls.gov/news.release/pdf/cpi.pdf>. Jenni Bergal, *Inflation is Cutting Into States’ Big Infrastructure Windfall*, THE PEW CHARITABLE TRUSTS, (Nov. 30, 2022), available at <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2022/11/30/inflation-is-cutting-into-states-big-infrastructure-windfall>; David A. Lieb & Michael Casey, *Inflation Taking a Bite Out of New Infrastructure Projects*, ASSOCIATED PRESS, (June 19, 2022), available at <https://apnews.com/article/inflation-us-infrastructure-projects-e89dcd5f3e623e532353f087265f9a63>; Jeff Davis, *How Much Could Inflation Erode IJA Buying Power?*, ENO CTR. FOR TRANSP., (Apr. 27, 2022), available at <https://www.enotrans.org/article/how-much-could-inflation-erode-ija-buying-power/>.

³³ See Jason Fenando, *Supply Chain Management (SCM): How It Works and Why It Is Important*, INVESTOPEDIA, (July 7, 2022), available at <https://www.investopedia.com/terms/s/scm.asp>.

success of this endeavor.³⁴ A well-managed supply chain results in the efficient use of resources, reduced costs, a faster production cycle, and satisfied consumers.³⁵

COVID-19 exposed fragilities in transportation networks, with a disruption in one part of the supply chain having a ripple effect across all parts of the supply chain, from manufacturers to suppliers and distributors.³⁶ Weaknesses in the global supply chain were exacerbated by supply and demand imbalances, restrictions and regulations, and workforce and infrastructure challenges.³⁷

Due to the COVID-19 pandemic, factories in Asia closed, and shipping companies cut schedules anticipating reduced demand for consumer goods.³⁸ However, the rapid growth of e-commerce during the pandemic led to a surge in consumer demand that inundated the system, particularly for freight shipped from Asia into West Coast ports and transported through the rest of the country via truck and rail.³⁹ The lack of available space onboard vessels, trains, and trucks; in distribution warehouses; and at ports, impacted industries, frustrated consumers across the country, and increased prices for some goods and commodities.⁴⁰

Supply chain challenges persisted throughout this year, as industries face tight labor markets, high fueling cost, and machine part shortages.⁴¹ In light of ongoing concerns related to supply chain challenges, the Committee passed several pieces of legislation aimed at strengthening the supply chain's resiliency. Given ongoing concerns, the Committee will continue to monitor these issues and propose solutions to ensure the flow of goods throughout the Nation.

On February 21, 2021, Executive Order (EO) 14017, "America's Supply Chain" was issued, directing Federal agencies to conduct a 100-day review of and report on the supply chain vulnerabilities associated with key imports.⁴² On the same day, the Administration announced additional plans to build long-term resilience in supply chains based on findings from the reports ordered by EO 14017.⁴³ Additionally, on June 8, 2021, the White House announced the establishment of a Supply Chain Disruption Task Force (Task Force), led by the Secretaries of Commerce, Transportation, and Agriculture. The Freight Logistics Optimization Works (FLOW) initiative was announced on March 15, 2022, which includes a pilot effort to "develop a proof-of-concept information exchange and operationalize it to support industry deci-

³⁴ *The Transportation Supply Chain*, SUPPLY CHAIN DRIVE, (Jan. 17, 2021), available at <https://www.supplychaindrive.com/spons/the-transportation-supply-chain/433934/>.

³⁵ See Sean Harapko, *How COVID-19 Impacted Supply Chains and What Comes Next*, EY, (Jan. 6, 2023), available at https://www.ey.com/en_us/supply-chain/how-covid-19-impacted-supply-chains-and-what-comes-next#:~:text=The%20pandemic%20continues%20to,new%20challenges%20for%20supply%20chains [hereinafter *How COVID-19 Impacted Supply Chains*]; Jack Grimshaw, *What is Supply Chain? A Definitive Guide*, SUPPLY CHAIN DIGITAL, (May 17, 2020), available at <https://supplychaindigital.com/supply-chain-2/what-supply-chain-definitive-guide>.

³⁶ See *How COVID-19 Impacted Supply Chains*, *supra* note 27; Peter S. Goodman, *How the Supply Chain Broke, and Why it Won't Be Fixed Anytime Soon*, N.Y. TIMES, (Oct. 21, 2021), available at <https://www.nytimes.com/2021/10/22/business/shortages-supply-chain.html> [hereinafter *How the Supply Chain Broke*].

³⁷ See *How COVID-19 Impacted Supply Chains*, *supra* note 27; Chuin-Wei Yap, William Boston, & Alistair MacDonald, *Global Supply-Chain Problems Escalate, Threatening Economic Recovery*, WALL ST. J., (Oct. 8, 2021), available at <https://www.wsj.com/articles/supply-chain-issues-car-chip-shortage-covid-manufacturing-global-economy-11633713877>.

³⁸ See Simina Mistreanu, *China's Factories Are Reeling from Forced Coronavirus Closures*, FORBES, (Feb. 23, 2020), available at <https://www.forbes.com/sites/siminamistreanu/2020/02/23/chinas-factories-are-reeling-from-forced-coronavirus-closures/?sh=21d514eb73f2>; see also *COVID-19 Cuts Global Maritime Trade, Transforms Industry*, UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT, (Nov. 12, 2020), available at <https://unctad.org/news/covid-19-cuts-global-maritime-trade-transforms-industry>.

³⁹ Jessica Young, *US E-Commerce Grows 32.4% in 2020*, DIGITAL COMMERCE 360, (Feb. 18, 2022), available at <https://www.digitalcommerce360.com/article/us-ecommerce-sales/>.

⁴⁰ *How the Supply Chain Broke*, *supra* note 36.

⁴¹ Lisa Baertlein, *US Supply Chain Woes Shift and Persist in 2023*, REUTERS, (May 17, 2023), available at <https://www.reuters.com/business/retail-consumer/reuters-events-us-supply-chain-woes-shift-persist-2023-05-17/>.

⁴² Exec. Order No. 14,017, 86 Fed. Reg. 11,849 (Feb. 24, 2021), available at <https://www.govinfo.gov/content/pkg/FR-2021-03-01/pdf/2021-04280.pdf>.

⁴³ Press Release, THE WHITE HOUSE, *The Biden-Harris Plan to Revitalize American Manufacturing and Secure Critical Supply Chains in 2022* (Feb. 24, 2022) available at <https://www.whitehouse.gov/briefing-room/statements-releases/2022/02/24/the-biden-harris-plan-to-revitalize-american-manufacturing-and-secure-critical-supply-chains-in-2022/>.

sion-making.”⁴⁴ Participants include private companies, warehousing and logistics firms, ports, and others.⁴⁵

However, DOT has not implemented all Congressionally mandated policies designed to address supply chain challenges. For example, IIJA directed DOT to establish the Office of Multimodal Freight Infrastructure and Policy, it has not yet formally established the office or designated a leader.⁴⁶ The Department has developed a draft mission, organizational design, and resourcing plan and provided a bipartisan briefing on that status of the office to Committee staff in June 2023.⁴⁷ Although historic backlogs are no longer the Nation’s top supply chain concern, challenges remain within the network and addressing these issues will allow America to maintain economic competitiveness.⁴⁸ The Office of Multimodal Freight Infrastructure and Policy will likely play a significant role in coordinating the Federal response to future supply chain challenges, as well as engage industry and States in addressing these issues.⁴⁹

V. WITNESS

- The Honorable Pete Buttigieg, Secretary, United States Department of Transportation

Appendix I

[Appendix I is retained in committee files and is available online at <https://docs.house.gov/meetings/PW/PW00/20230920/116312/HHRG-118-PW00-20230920-SD003.pdf>.]

⁴⁴ *Agency Information Collection Activities; New Information Collection: Freight Logistics Optimization Works (FLOW) Initiative*, 87 Fed. Reg. 42,796 (July 18, 2022), available at <https://www.govinfo.gov/content/pkg/FR-2022-07-18/pdf/2022-15247.pdf>.

⁴⁵ *Id.*

⁴⁶ IIJA, *supra* note 5.

⁴⁷ Briefing by Office of the Sec’y of Transp. staff for H. Transp. and Infrastructure Comm. staff, (June 28, 2023).

⁴⁸ Letter from Agriculture Transp. Coalition, et al., to the Hon. Pete Buttigieg, Sec’y, DOT, (Aug. 30, 2023) (on file with Comm.).

⁴⁹ *Id.*

OVERSIGHT OF THE DEPARTMENT OF TRANSPORTATION'S POLICIES AND PROGRAMS

WEDNESDAY, SEPTEMBER 20, 2023

HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
WASHINGTON, DC.

The committee met, pursuant to call, at 10:02 a.m., in room 2167 Rayburn House Office Building, Hon. Sam Graves (Chairman of the committee) presiding.

Mr. GRAVES OF MISSOURI. I call the Committee on Transportation and Infrastructure to order, and I would ask unanimous consent that the chairman would be authorized to declare a recess at any time during today's hearing, and without objection, that is so ordered.

As a reminder, if Members want to insert a document into the record, please also email it to DocumentsTI@mail.house.gov. If you need that repeated, just talk to staff, they've got that.

I now recognize myself for the purposes of an opening statement.

OPENING STATEMENT OF HON. SAM GRAVES OF MISSOURI, CHAIRMAN, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. GRAVES OF MISSOURI. I want to thank Secretary Buttigieg for being here today. We certainly have a lot to discuss, but thank you very much for coming in.

As we near the 2-year mark since the passage of the Infrastructure Investment and Jobs Act, my focus remains on oversight of the funding and ensuring that it is implemented efficiently, effectively, and adheres to the letter of the law.

Due to persistently high inflation, Americans continue to struggle to pay for food, clothing, gasoline, and other necessities with their hard-earned dollars. Companies that are working in the transportation space continue to face high prices on commodities and materials such as aggregates, asphalt, concrete, diesel—you name it.

The August 2023 Consumer Price Index report found that the all-item index increased by 3.7 percent, with the highest increase in the cost of gasoline, once again raising concerns that IJJA's purchasing power is being eroded. That is why the Department and Congress have to ensure that every dollar from the IJJA counts and is directed towards projects that safely and efficiently move people, move goods, and prepare our supply chain for, obviously, the future challenges that we are going to have.

However, many stakeholders have already expressed concerns about the implementation of the infrastructure law, including the pace of implementation and whether it is following the intent of the law. A 2023 AGC survey of its member companies found that just a mere 5 percent of companies who responded said that they have worked on IIJA-funded projects to date, and only 6 percent who responded indicated that they even successfully bid on projects for which work had yet to begin.

We have to ensure that the regulatory burdens and confusion over guidance are removed in order to efficiently administer the infrastructure programs. According to the Department of Transportation, they have distributed or announced more than \$184 billion in infrastructure funding. The DOT Office of Inspector General repeatedly recognized the risks of fraud, waste, and abuse that is associated with the IIJA funds.

So, responding to the OIG's concerns, DOT indicated plans were in place for every program that received IIJA funding to complete a fraud risk assessment by the end of 2023, and we look forward to receiving those assessments on time.

Furthermore, DOT has issued a number of grant requests and awards. As we've raised before, these grant programs should follow the intent of the law and focus on projects that actually improve infrastructure network and mobility and not use guidance that undercuts congressional direction just to accelerate projects that fit the administration's agenda.

So, it's clear, we have work to do in managing current transportation policy and funding, but today, we are going to hear about fiscal year 2024 funding requests. After historic transportation funding increases from IIJA, the CARES Act, fiscal year 2021 Consolidated Appropriations Act, the American Rescue Plan, and the Inflation Reduction Act, the Department's 2024 budget requests a 7-percent increase over 2023 levels.

Notable increases include a 300-percent increase for the Thriving Communities Initiative, a 93-percent increase for the Office of Civil Rights, a 29-percent increase for transit Capital Investment Grants, and new funding for the DOT's EV fleet. Frankly, these requested increases seem a little ill-advised and unjustified after the years of record spending that we have had.

We are responsible for targeting infrastructure investments to programs and projects that improve and expand our infrastructure and supply chain network to safely and efficiently move people and goods. Now more than ever, this administration should be focused on real infrastructure improvements and policies that can help us get out of these crises.

And with that, I, again, sincerely want to thank the Secretary for being with us today, and I look forward to a very productive hearing.

[Mr. Graves of Missouri's prepared statement follows:]

Prepared Statement of Hon. Sam Graves of Missouri, Chairman, Committee on Transportation and Infrastructure

Thank you, Secretary Buttigieg, for being here today. We certainly have a lot to discuss.

As we near the two-year mark since passage of the Infrastructure Investment and Jobs Act (IIJA), my focus remains on oversight of this funding and ensuring it is implemented efficiently, effectively, and adheres to the letter of the law.

Due to persistently high inflation, Americans continue to struggle to pay for food, clothing, gasoline, and other necessities with their hard-earned dollars. Companies working in the transportation space continue to face high prices on commodities and materials such as aggregates, asphalt and concrete, diesel fuel, and others.

The August 2023 Consumer Price Index (CPI) report found that the all-item index increased 3.7 percent, with the highest increase in the cost of gasoline, once again raising concerns that IIJA's purchasing power may be eroded. That's why the Department and Congress must ensure every single dollar from IIJA counts and is directed toward projects that safely and efficiently move people, move goods, and prepare our supply chain for future challenges.

However, many stakeholders have already expressed concerns about this Administration's implementation of the infrastructure law, including the pace of implementation and whether it's following the intent of the law. A 2023 Associated General Contractors (AGC) survey of its member companies found that just a mere five percent of companies who responded that they have worked on IIJA-funded projects to date, and only six percent who responded indicated they had even successfully bid on projects for which work had yet to begin.

We must ensure that regulatory burdens and confusion over guidance are removed in order to efficiently administer infrastructure programs. According to DOT, they have distributed or announced more than \$184 billion in infrastructure funding. The DOT Office of Inspector General (OIG) repeatedly recognized the risks of fraud, waste, and abuse associated with IIJA funds.

For example, my understanding is that in a memo to you, the Inspector General warned of "significant implementation and oversight challenges" presented by these funds. Responding to OIG concerns, DOT indicated plans were in place for every program that received IIJA funding to complete a fraud risk assessment by the end of fiscal year 2023.

We look forward to receiving those assessments on time.

Furthermore, DOT has issued a number of grant requests and awards. As we've raised before, these grant programs should follow the intent of the law and focus on projects that actually improve our infrastructure network and mobility, and not use guidance that undercuts congressional direction just to accelerate projects that fit the Administration's own agenda.

So it's clear, we have work to do in managing current transportation policy and funding. But today we also are going to hear about fiscal year 2024 funding requests. After historic transportation funding increases from IIJA, the CARES Act, FY 2021 Consolidated Appropriations Act, the American Rescue Plan, and the Inflation Reduction Act, the Department's 2024 budget requests a seven percent increase over 2023 levels.

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With that, I again want to thank the Secretary for being with us today and I look forward to a productive hearing.

Mr. GRAVES OF MISSOURI. I think most of the fireworks are going to be down the hall and not in here; again, this is a work committee, not a show committee.

Now, I want to recognize Ranking Member Larsen for his opening statement.

OPENING STATEMENT OF HON. RICK LARSEN OF WASHINGTON, RANKING MEMBER, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. LARSEN OF WASHINGTON. Thank you, Chair Graves, for holding this hearing, and I want to welcome Secretary Buttigieg and thank you in advance for what may be a long day to give every member of our committee the opportunity to ask you some questions.

Given the pace with which the U.S. Department of Transportation has been getting Bipartisan Infrastructure Law money into the hands of communities, we appreciate your time and know that you would be implementing the BIL and working on critical safety and consumer priorities if you weren't here today to answer our questions.

Today, we are here to highlight how Federal infrastructure dollars, provided by Congress and distributed by the DOT, are benefiting communities and building cleaner, greener, safer, and more accessible transportation systems across the country.

Last Congress, this committee answered the call of States, local and Tribal governments, transit agencies, railroads, airports, ports, labor, and other stakeholders to robustly invest in transportation infrastructure.

Congress provided \$660 billion in the BIL for roads, bridges, transit, rail, airports, buses, ferries, ports, pipelines, and other safety and infrastructure needs.

The investment and number of new initiatives in the BIL far exceeds previous transportation bills. Congress handed DOT a tall order in implementing this legislation. I am pleased to say that the pace of funding distribution has been impressive.

In the first 2 fiscal years of the BIL, the Department has distributed over \$125 billion in highway funds—mostly directly to States, which States then paint with State money and we get no credit for the work—but the same with \$39 billion in transit funds and nearly \$10 billion in airport funds to States and localities.

Funding has gone out under more than three dozen competitive grant programs, and more is on the way. As just one example, FRA plans to announce the availability of \$14 billion under three rail grants by the end of this year.

These dollars translate into projects on the ground and jobs for American workers.

Through August 2023, BIL dollars administered by the DOT have supported over 50,000 highway projects alone, according to an analysis by the American Road and Transportation Builders Association.

There is at least one new project underway in every congressional district in the country. And thanks to the BIL, just as an example, in my district, WSDOT is investing nearly \$12 million in Federal-aid highway funds to rehabilitate the SR 529 Snohomish River Bridge in Everett.

U.S. DOT has awarded \$25 million in RAISE grants to Whatcom County to replace the 60-year-old Lummi Island Ferry. The city of Lynnwood will construct a new six-lane multimodal bridge over Interstate 5, which will reduce congestion and build a more accessible transportation system for everyone there.

These projects in my State and across the country mean jobs. Jobs with good wages, benefits, and working conditions for transportation workers. The BIL means more jobs in the transportation construction, transit, trucking, aviation, rail, and maritime sectors.

Congress did its job to give the transportation construction sector the long-term resources it needs. Without these investments, the economy would be in far worse shape today.

Now, our job is to conduct fair oversight of implementation efforts by the DOT, State DOTs, project sponsors, and industry to ensure these projects are delivered quickly and effectively and that the law is implemented in line with our intent.

Congress directed investments in the BIL for many things, including to address climate change and reduce carbon pollution and improve safety and equity outcomes in our transportation networks.

Congress followed the example of States, cities, counties, and Tribes across the country who are working to modernize and transform the way people and goods move and to improve outcomes and experiences for the traveling public.

The Federal policy changes are now in the hands of U.S. DOT to execute. I especially want to applaud the Department's efforts to date on this front and the steps taken to prioritize equity considerations in grants to ensure disadvantaged business enterprises reap the benefits of BIL funding as well, to address the spike in traffic deaths and to measure and reduce carbon pollution from transportation sources.

We now have to build on the success of the BIL by enacting a strong FAA reauthorization. This House passed H.R. 3935, the Securing Growth and Robust Leadership in American Aviation Act in July by a strong bipartisan 351 to 69 vote. It came out of this committee 63 to nothing.

This bill is a bipartisan effort done in good faith to secure the future of the U.S. aviation system. It will help advance American leadership in aviation safety and aerospace innovation, strengthen and diversify our aviation workforce, improve consumer protections and accessibility, and make groundbreaking investments in sustainability and resiliency.

I am sure, Mr. Secretary, the DOT is eager to see this bill enacted into law so you can begin implementing it as well. I urge the Senate to act as soon as possible so we can complete a final long-term reauthorization, and communities and the traveling public can reap that bill's benefits.

But aviation is not the only mode in need of our attention. Rail incidents and accidents continue to occur around the country, endangering people and communities. In the 7 months since the Norfolk Southern derailment in East Palestine, there have been more than 500 train accidents, and yet, this committee has not yet held a rail safety hearing. I urge the committee to take this long overdue action on rail safety.

We are soon, as well, expected to act on a pipeline safety authorization bill next week. According to the Pipeline Safety Trust, pipeline incidents and accidents in vulnerable areas have risen over the past 20 years, highlighting the need for Congress to enact additional pipeline safety measures.

So, I hope today's hearing can be an acknowledgment and celebration of the infrastructure benefits each of our districts and constituents are reaping.

The committee continues delivering bipartisan solutions for all Americans, thanks to the leadership of Chair Graves. This stands in contrast to the chaos we are seeing right now in FY 2024 funding talks that are threatening to end in a self-inflicted Government shutdown, which I hope we can avoid.

Thank you, Mr. Secretary, for your steady hand in guiding the Department and the priorities Congress has asked you to implement. I look forward to today's discussion.

With that, I yield back.

[Mr. Larsen of Washington's prepared statement follows:]

**Prepared Statement of Hon. Rick Larsen of Washington, Ranking Member,
Committee on Transportation and Infrastructure**

Thank you, Chairman Graves, for holding this hearing.

Welcome, Secretary Buttigieg, and thank you in advance for what may be a long day to give every Member of our committee an opportunity to ask questions.

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Congress directed investments in the BIL for many things, including to address climate change and reduce carbon pollution and improve safety and equity outcomes in our transportation networks.

Congress followed the example of states, cities, counties and Tribes across the country who are working to modernize and transform the way people and goods move and to improve outcomes and experiences for the traveling public.

The federal policy changes are now in the hands of USDOT to execute.

I applaud the Department's efforts to date on this front and the steps taken to prioritize equity considerations in grants, to ensure Disadvantaged Business Enterprises reap the benefits of BIL funding, to address the spike in traffic deaths, and to measure and reduce carbon pollution from transportation sources.

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Thank you, Mr. Secretary, for your steady hand in guiding the Department and the priorities Congress has asked you to implement. I look forward to today's discussion.

Mr. GRAVES OF MISSOURI. Thanks, Rick.

I would ask unanimous consent that the witness' full statement be included in the record, and without objection, that is so ordered.

So, with that, Mr. Secretary, you are recognized. Again, thanks for being here.

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

Secretary BUTTIGIEG. Thank you very much, Chairman Graves and Ranking Member Larsen, and let me congratulate you as well on taking these well-deserved leadership roles since the last time I was here before this committee.

And also, before starting, I want to take a moment just to send our heartfelt condolences to a member of this committee, Representative Mary Peltola, who lost her husband after a plane crash

in Alaska last week. I know a lot of us have been in touch with her and our prayers are with her and with Gene's family and friends.

To everybody on the committee, I want to thank you for the opportunity to testify today and for our ongoing partnership. The first time I came before this committee, we were making the case for an infrastructure package to address decades of underinvestment; to deal with clear risks on our roads, rails, and in our skies; and to confront a pandemic that shook transportation in every way.

The second year I testified here, the Bipartisan Infrastructure Law was a reality, and we were fast at work standing up new programs and preparing to get much needed funding out the door.

Today, I am proud to report that the Biden administration has over 37,000 infrastructure projects moving forward in every State and Territory. Through those projects, we are making Americans safer; we are creating jobs and addressing transportation inequities in big cities and on rural main streets; we are making our infrastructure more resilient against extreme weather while reducing the transportation emissions that are contributing to climate issues; and we're strengthening supply chains to keep goods moving and reduce prices.

Let me highlight just a few recent examples. Last week, I was outside of Salem, South Dakota, where we are helping to repair 28 miles of I-90, which is a major freight corridor, and adding new truck parking, which we consistently hear from truckers is their top priority to improve the safety as well as the quality of that job.

In July, I was at the Lehigh Valley Airport in Pennsylvania where we celebrated an expansion and new security checkpoint to provide a faster, easier experience for travelers. And that was my first chance to be at a ribbon cutting on a project with funds from the Bipartisan Infrastructure Law.

And a few weeks ago, I was in northern Indiana where we are helping to relocate a freight rail interchange that is going to improve a rail crossing that is a problem for hundreds of kids getting to high school, while supporting goods movement for the many manufacturers in that area, and helping to improve the safe transport of hazardous material that sometimes passes through the community of Elkhart.

Individually, every one of those projects is a big deal for its community. Collectively, they add up to a national undertaking that is giving American families, workers, and businesses the foundation to succeed well into this century.

But I want to be clear about how much work remains on reducing roadway deaths, on making our rails and our skies safer, on strengthening public transit and helping it adapt to post-pandemic changes, and more.

That is why even as we keep full speed ahead to deliver good infrastructure projects, we also seek your further partnership in two critical areas. One, ensuring that our transportation safety work can continue by preventing a Government shutdown. And two, delivering further improvements that are achievable only through legislation.

To that end, I want to praise this committee for your leadership in advancing an FAA reauthorization bill that keeps the momentum for this important legislation.

We are making good progress with the authorities we currently have. For example, we hit our goal for air traffic control hiring this year with a total of 2,600 ATCs now in training; we have helped airlines lower cancellation rates from their pandemic highs down to 1.6 percent this year, which is actually below 2019 rates; and we have a wave of new rules underway to protect passengers when flights are delayed or canceled and to get rid of junk fees for things like being seated next to your kids.

But we are counting on an FAA reauthorization bill that ultimately passes to provide additional crucial authorities and resources needed to keep our airports and communities safe, and we ask Congress to get it to the President's desk.

Meanwhile, America needs the same bipartisan leadership you have shown on aviation when it comes to rail safety. Freight rail safety legislation proposed by Democrats and Republicans together after the Norfolk Southern derailment in East Palestine has yet to advance.

For the safety of thousands of communities that are hosts to rail lines, we need your help getting that legislation over the finish line.

Again, the DOT is doing what we can. We have proposed requiring at least two crewmembers on trains and are right now working to finalize the rule establishing minimum crewmember requirements.

We're conducting more than 6,000 focused inspections on routes over which high-hazard flammable trains travel. We are making the biggest investment in rail infrastructure in modern memory and more, but if America is going to see a day when 1,000 derailments a year is no longer just accepted as the cost of doing business, we need new authorities to better hold railroads accountable, which this legislation could provide.

I believe the 2020s will be known not just for those early years when the pandemic upended transportation, but for the years we're entering now where transportation gets safer, more affordable, and more efficient.

With tens of thousands of projects underway, President Biden has begun literally laying the foundation for that, and with further partnership with Congress, we can maintain this new momentum and ensure that the transportation laws protecting Americans are modernized, just like the physical transportation infrastructure we all count on.

Thank you again, and I am looking forward to the questions.
[Secretary Buttigieg's prepared statement follows:]

**Prepared Statement of Hon. Pete Buttigieg, Secretary of Transportation,
U.S. Department of Transportation**

Chairman Graves, Ranking Member Larsen, congratulations on taking up these well-deserved leadership roles since I last was before this committee.

And before I start, I want to take a moment to send our most heartfelt condolences to a beloved member of this Committee, Representative Peltola, who lost her

husband after a plane crash in Alaska last week. Our prayers are with Mary and their family and friends.

To all committee members, thank you for the opportunity to testify today and for your ongoing partnership.

The first time I came before this committee, we were making the case for an infrastructure package to address decades of underinvestment, deal with clear risks on our roads, rails, and skies, and confront a pandemic that upended transportation in every way.

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I'd like to highlight just a few examples I've seen recently.

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Individually, each of these projects is a big deal for the community. Collectively, they add up to a national undertaking that is giving American families, workers, and businesses, the foundation to succeed well into this century.

But I do want to be clear-eyed about how much work remains—on reducing roadway deaths, on making our rails and skies safer, on strengthening public transit and helping it adapt to post-pandemic changes, and more.

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Freight rail safety legislation, proposed by Democrats and Republicans together after the Norfolk Southern derailment in East Palestine, has yet to advance. For the safety of thousands of communities that are host to rail lines, we need your help getting that legislation over the finish line.

Again, the Department of Transportation is doing what we can. We've proposed requiring at least two crewmembers on certain trains and are right now working to finalize the rule establishing minimum crewmember requirements. We're conducting more than 6,000 focused inspections on routes over which high-hazard flammable trains travel; we're making the biggest investment in rail infrastructure in modern memory; and more.

But if America is going to reach a place where 1,000 derailments per year is no longer accepted as the cost of doing business, we need new authorities to hold railroads accountable—which this legislation would provide.

I believe that the 2020s will be known not just for those early years when the pandemic upended transportation, but for the years we're entering now, when transportation gets safer, more affordable, and more efficient. With tens of thousands of projects underway, President Biden has begun laying the literal foundation for that—and with further partnership with Congress we can maintain this new momentum, and ensure that the transportation laws protecting Americans are modernized alongside physical transportation infrastructure.

Thank you again, and I look forward to your questions.

Mr. GRAVES OF MISSOURI. Thank you, Mr. Secretary.

We will start. I will call on Mr. Crawford for 5 minutes.

Mr. CRAWFORD. Thank you, Mr. Chairman.

Thank you, Mr. Secretary, for being here. I am curious about the funding tables that were provided by your staff to our committee. It is six pages of spreadsheets here. I don't know if you have seen those or not, but they present a very incomplete funding picture as they only capture advance funding from IIJA and some supplemental funding from FY 2022 and FY 2023, but besides that, we continue to hear the administration touting how much money is being invested in infrastructure. These tables actually indicate something different.

You have obligated less than 30 percent of the total funding for the Federal Transit Administration. In fact, you have only outlaid 9.7 percent of that funding. Less than 3 percent of the money for the Federal Railroad Administration has been outlaid, only 35 percent of the FY 2022 money for Federal-aid highways has been obligated, and only 11 percent has been outlaid.

So, we continue to hear about the need for more money for infrastructure investment, but it seems that you are not spending the money that you have already. What is going on here?

Secretary BUTTIGIEG. Well, I don't have the charts that you are describing at my fingertips, but I would refer you to the lifespan of a project. So, between the time that a project is identified for funding, when the project's sponsor is ready to execute the grant agreement, when the spending takes place, and then when the obligation and/or reimbursement take place.

That is something that doesn't always happen within 1 or even 2 calendar years. Now, for our part, we want to do everything we can to make sure that any part of that timeline that's under our control is swift, but of course, that also depends largely on the readiness of project sponsors.

So, there is often a lag. One, two, three, sometimes more years between when funding is appropriated and authorized and when those dollars had been assigned to a project.

But again—

Mr. CRAWFORD [interrupting]. Yes, but in the interim, the obligation of those funds, which we are also seeing a significant amount of funds that aren't obligated, let alone outlaid. So, I understand the time lag and I get that completely, based on the timeline for appropriations versus the money actually being there. But I guess my question is, if you can explain all this taxpayer money that is sitting in your agency's bank account instead of being used where it should be obligated, not necessarily outlaid, but at least obli-

gated to maintain pace with the kind of projects that you talked about in your opening statement?

Secretary BUTTIGIEG. Yes, and again, I would describe, in terms of the pipeline of funding that moves through and the lag that is associated with that.

So, nobody is sitting around and neither are the dollars, but the gap between the fiscal year in which it is authorized or appropriated and the moment when that construction takes place, that is very real.

And of course it depends on the project, right? We can get something out through formula dollars often more quickly than a complicated project that involves perhaps multiple modal administrations or multiple project sponsors working across State lines.

But you have my commitment that anything that is under our Department's control, we are going to move as swiftly as possible. I would not infer that the fact that it takes some time to spend those dollars is an argument for doing less in the future to improve our physical infrastructure.

Mr. CRAWFORD. Well, I think you missed the point of my question. So, a lot of times we hear from, for example, municipalities or county governments or State governments that say we could do a lot more with our money if we got it in a timely fashion.

For example, the obligation of the funds can start things moving. If the funds aren't obligated, and as I indicated in these percentages, we are well into IIJA, for example, and we still have a significant amount of money that hasn't even been obligated, let alone outlaid.

So, I hope you will consider that because the feedback that we get from home all the time is: Where is the money? And it appears that you have quite a bit of it in your account, based on the spreadsheets that your staff provided for us.

But let me move on to something else. The Federal Highway Administration announced a notice of proposed rulemaking to require States and MPOs to establish a new performance measure with declining targets for carbon dioxide and to measure and report greenhouse gas emissions associated with transportation under the Federal-Aid Highway Program.

This was done despite the Department having no authority to impose such a requirement. In fact, a greenhouse gas performance measure requirement was specifically omitted from IIJA. How can you claim that imposing a GHG performance measure is consistent with the law or the intent of Congress, given that it was considered and specifically excluded from IIJA?

Secretary BUTTIGIEG. Because under the law, as written, we have the authority to implement performance measures and just because Congress did not require it of us does not mean that we're not able to do it.

Now, we believe this is consistent with other instances in which the Federal Highway Administration or other operating administrations have developed performance measures, whether on safety or other domains.

And I want to emphasize that this is not a mandate. It doesn't set a target for States. We're simply requiring that there be some kind of measurement of the performance of something that relates

to the impact of how the Federal taxpayer dollars we're sending—

Mr. CRAWFORD [interrupting]. I would argue the fact that the States perceive that as a mandate based on your implementation of that, and what other action are they supposed to take given the fact that you don't have the authority and, yet, you are continuing to leverage that and put that on the States?

My time is expired, so, I yield back.

Mr. GRAVES OF MISSOURI. Mr. Larsen.

Mr. LARSEN OF WASHINGTON. Thank you, Mr. Chair.

Mr. Secretary, thanks again for coming in. I want to start off with a question we have asked you about in the past, as well as when you visited Washington State 1½ years or so ago, and that is with regards to the culvert program.

DOT announced \$4 million that ended up in my district as well as other districts, but \$4 million in my district to advance 11 culvert projects at 11 sites in Whatcom County to address fish passage.

So, this is great news, and not that we aren't appreciative, but I was hoping you could help us understand when we can expect to see the next Notice of Funding Opportunity for the next round of culvert money.

Secretary BUTTIGIEG. Thank you. We're excited about this program. I will admit, it was not on the list of things I thought I would be working on when I first accepted this job, but having learned the economic as well as societal importance of anadromous fish passage, especially but not only in the Pacific Northwest, I know how important this program is.

In our first year, we awarded over \$195 million in grants for 169 passage improvement projects, including those 46 passage improvements in Washington State. What I'll say, without having a date certain for the next round to be put out, is that this is one of many programs. It was really novel in kind, created by the infrastructure law that our Department stood up.

So, it's safe to say that that first year, setting that program up for the first time, is more labor intensive than it will be getting it out the next time. We are always going to refine and tweak for the next NOFO based on the input we got from project sponsors, but I think it's safe to say that we will be able to spend less time getting the next Notice of Funding Opportunity out than we did getting the first one.

I remember promising you that the first one would be out by the time the salmon were running. I didn't say where the salmon would be running, but they're beginning to be running in northern Michigan, and I take that as a reminder to get to work on getting that next round ready.

Mr. LARSEN OF WASHINGTON. All right. And different salmon run at different times, as well. So, somewhat related to that is that a lot of these projects are in rural areas and helping local counties, rural counties make some changes.

And I wanted to ask you, generally, about the Department's work to maximize the reach of the BILL, especially in rural areas.

Secretary BUTTIGIEG. One of the most rewarding things in this job has been visiting rural areas that are receiving grants where

the dollar amount might not be the same as you would get on some of the largest, most complex projects, but that mean everything to the community they're in.

I mentioned earlier my visit to South Dakota. Another thing we did was visit an airport there where with about an \$800,000 grant, we were able to help them take a facility that had been—the general aviation terminal was a mobile home basically, a dressed up doublewide trailer, not trailer, but a doublewide, and turn it into a permanent building.

And what that means is not just important for the pheasant hunting that goes on, but for medevac missions, crop dusting that makes that small airport incredibly important to the people in and around Chamberlain.

And so, with those kinds of projects in mind, we are working to make sure that we are serving rural areas well. One thing I am proud of is that we substantially exceeded the set-aside required by Congress on the percent of INFRA dollars going to rural areas, just to take one example.

The hard part is that often a small county or community won't have the same resources to even apply for or manage Federal grants that larger communities will have. We want to make sure that we are sensitive to that and responsive to that and more user friendly.

That is why our ROUTES Team, which is dedicated to supporting rural communities, is active and that is why I have directed our Department to go out of its way to make our processes simpler and to render technical assistance where possible to smaller and frequently rural communities that are just as deserving but may not have the muscle memory of working with these Federal processes and our Department.

Mr. LARSEN OF WASHINGTON. That is good to know, as a Member with rural areas. I know some Members have nothing but a district which would qualify as rural. It is important, and we will hold you to that as well.

I am glad to read about Chamberlain. I haven't talked to Representative Johnson from South Dakota, but my great grandparents made their way through Chamberlain many, many moons ago, so, I am happy to see that.

Related to rural areas as just generally underserved communities, there are other communities—Tribal communities for instance, urban areas—that are maybe underserved in the past for certain reasons.

Do you have any highlights you can help us with that we should be looking out for?

Secretary BUTTIGIEG. We are mindful that so many communities that are most needful of Federal support and dollars are also low-resourced communities that may again not have the sort of muscle memory of getting access to those Federal dollars when they need them.

So, we have both worked to make sure that our practice and our funding recognizes those needs. We have worked with congressionally required frameworks that allow us to better perceive that, and we have initiatives like the Thriving Communities Initiative, that is part of the infrastructure law, that helps us render the kind of

technical assistance to cohorts of communities that are often disadvantaged to make sure that they can best access and benefit from these Federal dollars.

We are also conscious of the business and work opportunities that come with this, which is why we are maintaining rigorous DBE standards and both formally and informally engaging labor unions and others who are in a position to help bring more people into those good-paying construction jobs, don't necessarily require a college degree, do require a lot of skill and are a terrific pathway into the middle class for communities who have historically been excluded.

Mr. LARSEN OF WASHINGTON. Thank you. It is good for Members to be reminded that there are tools in the BIL to implement, and for us to hold you accountable to implementing, as well as to reach out to your team, see how we can use those.

Thank you for that, and I yield back.

Mr. GRAVES OF MISSOURI. Mr. Babin.

Dr. BABIN. Yes, sir. Thank you, Mr. Chairman. And I thank you, Mr. Secretary, for being here today.

Despite never-before-seen levels of funds going to your Department, our transportation does not seem to be safer today than it did just a few years ago.

And while pumping billions into green energy and subsidized alternatives to gas-powered cars, we have also seen more major transportation disasters under the current administration than really in any administration that I can recollect.

Record-level car fatalities; trains derailing; chemical accidents; sky-high gas prices; ports with record-breaking logjam delays, which I represent several; union strikes; workforce issues; delays at airports; near-misses on runways; grounded planes; systemwide failures; the terrible, horrible 2022 holiday flight cancellations that saw so many American families separated on Christmas and New Year's.

The list seems to go on and on. I understand that your relationship with Congress over the last 2½ years has been pretty favorable for you. You have gotten seemingly everything you have asked for and then some.

Hundreds of billions in extra funding for DOT, thanks to the IIJA and the Inflation Reduction Act, so, what do you have to show for it? What impact has that money had on the average American?

And I would ask that, before you start talking about climate victories and social justice achievements at the cost of billions of taxpayer dollars, please ask yourself this: Does that green subsidy, that solar R&D project, or that new mandate to go after oil and gas help anyone if Americans can't rely on safe, affordable transportation?

And I am hopeful that you're taking your job of helping Americans get from point A to point B safely very seriously, but from what I can see, your office is simply writing blank checks to fulfill Mr. Biden's climate initiatives while leaving the average Joe in the dust.

A few questions I would like to ask for the record. In 2021, we started hearing reports that the Federal Government, under Joe Biden and Alejandro Mayorkas, was inexplicably allowing scores of

illegal immigrants into the country who ultimately boarded commercial aircraft without passports or any other type of identification to fly across the country.

I wanted to ask you how you feel letting thousands of individuals without passports whose motives and backgrounds are unknown to us board domestic flights, and are these flights still occurring?

Secretary BUTTIGIEG. Well, I don't know all the details of the Department of Homeland Security side of that, but I would point out that as a general rule, when you get on a domestic flight, you don't have to show a passport. That is true for anybody.

As to the blank checks, I would argue that expenditures like the \$18.3 million that I approved for the Bayport Terminal is not a random Biden administration priority, but something that benefits both your district and the American people.

We are investing in roads and bridges, ports and airports, rail, transit, and I am also puzzled by the implication or the assertion that the rate of railroad accidents or other safety issues is higher under our administration than in previous administrations.

One, that is simply not supported by the record. You mentioned flight cancellations, right now they stand at 1.6 percent. That is actually lower than they were in 2019, before the pandemic. I would be happy to provide further data to help clear up any of the inaccuracies—

Dr. BABIN [interrupting]. I see—

Secretary BUTTIGIEG [continuing]. In your question so that we can get to the most important facts about safety. Having said that, I don't believe that we should be satisfied with the current status quo on safety, which is why I would love to get you on the record in favor of that Railway Safety Act, Congressman.

Dr. BABIN. I would love to see those, Mr. Secretary, and the domestic flights allowing people on without passports who are foreign who have entered illegally doesn't seem to square with the security of our Nation.

Secretary BUTTIGIEG. Congressman, if you are of the opinion that every passenger boarding a domestic flight needs to produce a passport, I would be happy to refer that to the Department of Homeland Security, but that is not our jurisdiction at DOT.

Dr. BABIN. I understand.

Members of this committee are very frustrated with the ongoing delays that applicants are experiencing by the Maritime Administration. I understand the need for a thorough evaluation process, but the current process has consistently failed to meet the 356-day statutory timeline for a record of decision.

For example, of the 6 applications currently with MARAD and pending a record of decision, 2 of these applications are well past the 356-day statutory timeline: 1 nearing the 1,400-day mark and the other nearing an 800-day mark.

Why are these pending applications experiencing such severe delays in the process and why is MARAD and DOT not doing more to help applicants through this process?

Secretary BUTTIGIEG. Well, Congressman, we are committed to helping project sponsors get their projects done, and one thing we are trying to make sure of is that the Federal process doesn't endanger the completion of the project.

I know this is counterintuitive, but when you look at those longer timelines associated with some of those permitting processes, what is happening is that MARAD's interpretation of fidelity to the statute requiring 356 days can be met by stopping the clock if there is information that the project sponsor doesn't have ready. That way it gives them a chance to get that information in without there being a risk of the project getting killed just because they didn't meet the 356, if we had not interpreted that as business days or process days.

If there are other steps we can take to make sure that working with those project sponsors we can have a smoother flow, we are always open to discussing that, because we want to make sure that whatever the nature of the project, while of course making sure that Federal law is met and that there is responsibility with taxpayer dollars, that there is no unnecessary delays and certainly that there is no unnecessary delays under our control.

Dr. BABIN. Well, we certainly hope so. I yield back.

Mr. GRAVES OF MISSOURI. Mrs. Napolitano.

Mrs. NAPOLITANO. Thank you, sir.

Mr. Secretary, as co-author and strong proponent of provisions of the BIL that provide much needed funding for railroad grade crossing projects, what is the status of railroad grade crossing safety programs and funding, and how is the Department ensuring railroad companies, State DOTs, and local governments are being effective partners to quickly implement railroad grade separation and grade crossing safety projects?

Alameda Corridor-East is in my district, and it is of utmost importance.

Secretary BUTTIGIEG. Well, we think that this railroad crossing elimination program is one of the most timely and needed things that was in the Bipartisan Infrastructure Law.

Everywhere I go, and I know we have spoken about this and you have shared how this is affecting your constituents, we talk to people who encounter safety hazards, inconveniences because of blocked crossings, and just to be clear, even that inconvenience is a safety hazard if there is an emergency vehicle, for example, waiting its turn.

We were able to do, in that first round of railroad crossing elimination projects, that will benefit about 400 crossings. Now, some of those are eliminated outright, others involve some other safety mitigation.

But in every case, that crossing will be safer than we found it thanks to the funding that's in that law, and we are already getting ready to release the next round knowing that it will benefit communities like those that you serve.

Mrs. NAPOLITANO. Thank you. Cities in my district have been most focused on safe routes to school and transit connection projects. The law provided funds for the projects in Duarte, Irwindale, Azusa, La Verne, El Monte, San Dimas, West Covina, and Covina.

I do believe safe routes to school and the first- and last-mile transit connection projects are so important to local communities, and what is the Department doing to support these projects in towns and cities?

Secretary BUTTIGIEG. Well, I strongly agree, and going back to my days as a mayor, the Safe Routes to School funding was an important part of how we were able to improve the way that many kids were able to get to where they were going.

Mrs. NAPOLITANO. Safety.

Secretary BUTTIGIEG. And I mentioned briefly in my testimony, I was able to be in Elkhart, Indiana, where hundreds of students on foot need to cross what is currently a rail line that can be blocked by a train just to get to the high school there in Elkhart.

One of the most rewarding grants that I was able to visit last year was where we are taking a road that students going to Etiwanda High School currently use doesn't even have a shoulder, let alone a sidewalk, competing with traffic at rush hour and making it safer for them to get there.

We have several funding sources that can be used for this purpose. One I would mention, in particular, is the Safe Streets and Roads for All Program. That contains not only construction dollars but planning dollars because we know that some communities know that there is a problem, but they don't have a project fully baked and ready to apply for construction funding. We were able to fund hundreds of communities last year through those dollars provided by Congress and have more where that came from to help those projects get scoped in the first place, and then, of course, we hope to advance as many as possible towards completion.

Mrs. NAPOLITANO. Thank you. Also, the Bipartisan Infrastructure Law takes climate crisis seriously, providing \$7.5 billion to address a large source of carbon pollution in the U.S.: our railroads, roadways. The National Electric Vehicle Infrastructure Formula Program has potential to vastly expand availability of fast EV chargers and support adoption of clean vehicles.

What progress are you seeing in the deployment of EV infrastructure, and what areas are you focusing on to get most of the funding?

Secretary BUTTIGIEG. Well, this is both an exciting and a challenging area for us, especially when it comes to EV charging infrastructure.

I would liken this, if we were to use an analogy, to the period when the internal combustion was developing, to being at a state of play something like what we were in in 1915.

Many of these technologies are relatively new, and we don't have the nationwide charging network yet that we know we are going to need, but that is exactly why we are working to build it.

And what we found is that in addition to the tens of thousands of locations where there has already been a charger installed, often by a private operator making a profit, there are many more that need to be addressed for us to get to President Biden's goal of 500,000 chargers by the end of this decade.

We have now been able to approve plans from every single State. They have all filed and been accepted, in terms of how they seek to use the formula dollars from NEVI, now they are getting to work actually putting those dollars to use, and I think soon we will see the first physical cases where those chargers are going up, funded through that particular source of funding.

Mrs. NAPOLITANO. Great. I hope California will be able to be in line for that because we have so much traffic, and it certainly would benefit, and I'd like to invite you to California to see some of the projects we have.

Thank you, sir. I yield back.

Secretary BUTTIGIEG. Thank you.

Mr. GRAVES OF MISSOURI. Mr. Rouzer.

Mr. ROUZER. Thank you, Mr. Chairman.

Mr. Secretary, thank you for being here. As you know, it is no secret that China is engaged in a concerted surveillance strategy to infiltrate U.S. airspace and spy on our country. This includes the use of Chinese technology that targets critical infrastructure for surveillance such as drones.

Additionally, under multiple administrations, the U.S. has identified this Chinese technology as a significant national security, cyber security, and human rights threat. As you probably know, or at least I hope you know, the FAA still uses drones made by Chinese companies allowing them to inspect the FAA's national infrastructure.

And so, my question is very direct: Can you commit to reviewing this matter and ensuring that Federal taxpayer dollars are not used to fund the operation of these Chinese drones?

Secretary BUTTIGIEG. Well, you have my commitment that we will put American security first and ensure that there are no vulnerabilities that go unaddressed.

Now, the challenge that any American industry or sector faces—aviation is not an exception—is what to do when there is no other way to get a piece of technology and how to make sure then, as we work toward what I like to call friendshoring, to source more of the equipment that we depend on domestically, if any element is made by a country of concern, that we have a handle on any and all potential vulnerabilities that could come with it.

So, certainly we are continually reviewing this, and you have my commitment that we will do so anytime there is a concern about security.

Mr. ROUZER. Well, it seems pretty simple to me. Other agencies have banned it, and the Department of Transportation ought to ban it, too. I think that would be the vast majority opinion of Americans out there.

I want to move on to another subject real quick. We hear all this talk about equity, and I am not exactly sure I fully understand what equity means. Do you have guidance that has been issued to your various agencies on equity, what that means?

Secretary BUTTIGIEG. Sure. A good place to look would be the Notices of Funding Opportunity that we publish related to our discretionary grant programs. They lay out the kinds of things that we want project sponsors to consider when they are proposing a road or anything else, especially when it is an extremely competitive program.

Part of how you can get our attention, I would say, is to demonstrate that that program is going to meet a need. I do see a lot of confusion around the meaning of equity. To me it means fairness.

We see a lot of communities, a lot of people, a lot of neighborhoods, including but not limited to communities of color, rural communities, and Tribal communities that have been excluded from opportunity in the past.

And if Federal dollars went into that exclusion, our view is that Federal dollars ought to go into something more fair this time around. That is my interpretation of equity.

And we are going to continue being mindful of that because we have a once in a generation opportunity to do something different than what has happened in the past where Federal dollars sometimes contributed to segregation.

I don't want us to act as though we have no responsibility to do better this time in the 2020s.

Mr. ROUZER. That all sounds pretty subjective to me. The term "equity" is pretty much a subjective term, if you ask me, which is why I was wondering if it was specifically defined. Disadvantaged communities, that seems to be somewhat of a subjective area as well.

So, I guess the fundamental question, and we all want to help those that need help, but we have scarce dollars, and the one concern I have is with all this focus on equity, how are we ensuring that American's taxpayer dollars are going to the most important projects that support everyone, that support all of society, including, obviously, disadvantaged communities, no matter how that may be defined?

I think that is a real public policy question that needs to have more of a definitive answer.

Secretary BUTTIGIEG. I think any time our values meet our criteria, we have to be as transparent and objective as we can, without pretending that everything can be reduced to a mathematical formula.

And so, we have sought to include as many objective criteria as we can make clear, and sometimes, of course, those are provided by Congress in the frameworks like those that call for us to identify what are defined as areas of persistent poverty, just to take one example.

But I think also, as we are applying American values to our overall work, there is an element that can't simply be computed in a formula, and I think that is why we have human beings rather than computers making some of these decisions.

Mr. ROUZER. Thank you, Mr. Secretary.

Mr. Chairman, my time's expired. I yield back.

Mr. GRAVES OF MISSOURI. Thank you.

Mr. Cohen.

Mr. COHEN. Thank you, Mr. Chair.

Secretary Pete, welcome to the committee. Thank you for being here. Thank you for all the work that you all have done to implement the Bipartisan Infrastructure Law, little more bipartisan than the other Chamber than this one, but still bipartisan, and it is delivering billions in much needed funding to all of our districts.

We had, in Memphis and Shelby County, we had two RAISE grants, \$25 million for MATA, our public transit, which was important for its Crosstown Corridor Safety and Multimodal Enhance-

ment Program and another \$13 million for Eliminating Barriers on North Watkins. Those will be helpful.

These projects include many Complete Streets elements to ensure safety and accessibility for all road users. This will transform the community and make it much safer to get around.

That is one of the areas I put a lot of emphasis on in getting the bill passed was Complete Streets. Memphis has recently been named the third deadliest city for pedestrians; ranked first as the city with the worst drivers, based on traffic fatalities; and the least bike friendly in the Nation.

The city was recently awarded a Safe Streets and Roads for All award of \$640,000 to assist in the development of comprehensive action plans to significantly reduce those fatalities, but the statistics I mentioned are staggering, they are all across the country, and much needs to be done to reduce those deaths.

What can the Department do to increase the efficacy of the Safe Streets and Roads for All Programs, and how is it helping advance the Nation's goal of zero roadway deaths?

Secretary BUTTIGIEG. First of all, Congressman, let me applaud and identify with your stated goal of zero roadway deaths. I think that's the only acceptable number.

Right now we are at more like 40,000. The first step in reversing the rise of roadway deaths is to see it stop. We think it has stopped, but we are a long way from having cause to celebrate.

One of the pillars of the National Roadway Safety Strategy that we put out, alongside things like safer vehicles and safer people, safer speeds, better post-crash care, is safer streets, and that is why we have embraced a Complete Street strategy.

We launched a Complete Streets initiative in March of 2022. We have delivered a report to Congress called "Moving to a Complete Streets Design Model" to try to encourage designs where across the streetscape and sidewalk, cyclists and pedestrians, and vehicle traffic can transit and everything else can coexist peacefully.

But we know that there needs to be not just moral support but funding. That is where the \$5 billion in that Safe Streets and Roads for All Program is so important, though I should emphasize that is not the only source of Complete Streets' funding.

You mentioned some of the benefit coming to your district from the RAISE Program, and as we look at the RAISE Program, about \$1.1 billion of the awards we announced this year are for projects that are going to improve safety.

You mentioned improving efficacy. And so, the other thing I would point to is that in that Safe Streets for All work we are doing, we are going to gather a level of data that is just never been accessible to us before.

So many places that are getting the treatment, so to speak, of this kind of funding and these kinds of improvements, and I think that will help us refine our understanding of what works best and what works most effectively and target the dollars to where we know it can save the most lives.

Mr. COHEN. I would—and I know you know this, but the facts are, in minority communities, it is more likely that they are not going to be sidewalks. It is more likely that they are going to not have median strips that help, crosswalks for people to get across

and pedestrian passing, and that is one of the reasons we have so many high deaths of pedestrians and even bicyclists, and that just needs to be rectified and go back in those communities and give them the opportunities to have foliage and the different things that make for safer streets.

We have to incentivize our State governments, too, because they put out a lot of these grants, and can you do things to incentivize the State governments, kick them in the rear or something?

Secretary BUTTIGIEG. Well, I don't think we have congressional authorization to kick anyone in the rear, but we do work with State DOTs knowing that we all share in principle a commitment to safety, but believing that there are specific interventions that would make the biggest difference. We, of course, have a great deal of regard and respect for the division of labor and the separation of responsibilities that's there. What we are trying to do is draw attention to the eligibility of formula funds that the States are going to decide what to do with, but they may or may not be cognizant of just how many ways they could use that to the benefit of safety.

I will give you another example that I touched on briefly in my remarks: truck parking. This is something that I am not sure all States are aware they can apply Federal-aid highway formula dollars to help solve—

Mr. COHEN [interrupting]. Let me—I am about to lose my time. I appreciate that. Rail, passenger rail is important. I would like to see Memphis to Nashville, or the State recommended something, Nashville to Atlanta, Chattanooga to Atlanta, if you could get Memphis to Nashville in there and get all that together.

And I just want to remind you, your mantra should be: Memphis is the center of the country, we have got the bridge that goes across the Mississippi River, we have got commercial aviation, we have got FedEx, what's good for Memphis is good for America.

I yield back my time.

Secretary BUTTIGIEG. Understood, sir.

Mr. GRAVES OF MISSOURI. Mr. Bost.

Mr. LARSEN OF WASHINGTON. Objection.

[Laughter.]

Mr. BOST. Thank you, Mr. Secretary, for being here. I will actually, once my statement is done and my question is asked, I will let you finish an earlier thought that you were having there.

I saw that you took a trip to highlight the infrastructure projects related to truck parking. One project you visited was 10n additional spots, which is helpful, although the money came from our infrastructure funds. In addition, your Department announced 86 new grants last week and of those 86 grants, only 4 even mention truck parking, and they have to do with IT systems at the truck-stops.

Now, my question is, based on the information that I have just given, you have created zero additional truck parking locations even with the record amount of money that was given to you in the infrastructure bill that we passed. You haven't done anything substantial to expand new truck parking locations, so, the problem still exists.

What do you plan to do about fixing the problem, instead of just continuing to talk about it?

Secretary BUTTIGIEG. Well, again, we are funding projects that are both increasing the physical availability of truck parking by adding truck parking spaces and helping to optimize the parking that's there.

So, when you hear about an IT-oriented project, what we are trying to do is correct the fact that in addition to there just plain not being enough spaces out there—which is certainly a problem that won't be solved by 10 spots here or 12 spots there—that we are also giving truckdrivers better access to insights about where the spaces are going to be. Because what we hear a lot, when I am talking to drivers, is they will be over the road, they will have a look at their electronic logging device, they know they are coming into that last hour, and now they are faced with the choice of either giving up income and not going as far as they feel they ought to or even as far as their employer expects them to, because they know there might be a space, or pressing forward, taking a bit of a gamble on whether there is going to be a space nearer to where they will be to when they time out.

And so, if they have more reliable information—and a number of States, Florida's DOT is one that is working on this, and I think Tennessee has done some work on this, too—if they can provide better information—it could be a relatively low-tech solution like a webcam, could be something a little more sophisticated giving them a live tracking update—they can get better certainty there.

It's about recognizing that we are not going to address the physical side overnight, even though we are working hard to do that. We are trying to balance that with optimizing what is there and adding to what is there.

Mr. BOST. I understand that. I have been in the trucking business all my life, and I can tell you that the problem really is not enough spaces available. I am going to switch gears if I can.

Mr. Secretary, you were made aware in November of 2021 by MARAD that issued a decision that they would allow foreign companies to enter into our long-term charter agreement with domestic vessels for the purpose of operating commercial inland river cruises.

MARAD reaffirmed the decision in March of 2022, under the premise that the domestic companies would continue to own and operate the vessels under the charter. That vessel is operating on the Mississippi River today.

Unfortunately, in reaching this decision, MARAD inappropriately chose to apply existing time charter rules for fishing vessels operating in foreign waters to the inland passage service fleet.

This misguided decision ignores the foreign company actually controls the vessel, from selling tickets through the website to seeing the ports of call, all while the profits are sent overseas.

In addition, the hospitality cruise would be supplied by the foreign companies, which I believe significantly causes a safety issue. This action raises some significant concerns with the Jones Act community and has a real possibility of extending well beyond passenger cruises to all inland operations that utilize long-term charters.

What can you tell us about this decision and whether your office is going to take a closer look? For an administration that supports the Jones Act, this was a highly troubling decision.

Secretary BUTTIGIEG. Well, as you noted, we support the Jones Act and MARAD always works to the best of their ability and judgment to apply the law as written. I welcome your invitation to pay closer attention to this specific matter, especially if there's a concern in your view that it is either not playing out as expected or that there is a discrepancy, in terms of viewpoints on how that conforms to the legislative guidance that MARAD has and would welcome the chance to follow up with your office further on that.

Mr. BOST. And I wish that you would do that because the reality of it is that the Jones Act is in place for a reason, that's to keep foreign enemies from working inland into our United States, and the Mississippi River would allow that, and with that, my time is expired, and I yield back.

Mr. GRAVES OF MISSOURI. Thank you.

Let's see, Mr. Garamendi.

Mr. GARAMENDI. Thank you, Mr. Chairman.

Mr. Secretary, you are doing one hell of a job.

Secretary BUTTIGIEG. Thank you.

Mr. GARAMENDI. I recall our early hearings in this committee as we developed the transportation infrastructure bill, you were right there. You provided us with key information that we needed, and now you are into the implementation stage.

Thank you. Thank you for the two grants that we have received in my district for electric buses to replace old diesel buses that are breaking down, and by the way, those buses are going to be made in America.

So, this is just one piece of a very important project. You are in a position to provide this Nation with a significant and extraordinarily improved infrastructure. You've got a big challenge out ahead.

You are hearing from my colleagues over there on the right side basically whining about this or that and not one of them voted for the bill, so, they want the dough without the vote, which is not uncommon around here, but the reality is, we are making progress.

All of us have things that we would like to see done faster, better, and I have my list, too. I could probably go through them here, and I probably should, but I am going to simply put it this way: You're doing one great piece of work.

There is more to be done. We are going to pressure you on those things, the TIFIA for airports, yes. We don't like the way you have written the rules. Talk to your general counsel and tell them: Wait, listen to what we have actually put into the law, not what they think it ought to have been.

So, yes, if you'll pay attention to that one. Thank you. I know you are going to have a challenge out ahead providing the rest of the money that is out there. I was looking at that chart that was mentioned earlier. Obligations, money actually flowing, we need to understand in depth how that works.

I want to give you a chance to go back over that again if you would. Please do so now.

Secretary BUTTIGIEG. Thank you. So, one thing that we are working to do is make sure that every stage between the moment we identify that a project has successfully been chosen for funding and the moment we get to cut the ribbon, even if it is a future Secretary who gets to do the honors, that we can——

Mr. GARAMENDI [interrupting]. And there will be a Republican there also——

Secretary BUTTIGIEG [interrupting]. They are more than welcome.

Mr. GARAMENDI. That is important.

Secretary BUTTIGIEG. That we compress anything that can be responsibly compressed without sacrificing fidelity to the checks and balances that are very important about the use of Federal taxpayer dollars that are in there.

To take one example, historically, the amount of time simply between when a grant award announcement is made and when a grant agreement is signed can be a year or longer. Now, that is not because people at U.S. DOT are just sitting around. Often that is a result of the back and forth making sure that all Federal requirements are met.

But I do think we have a responsibility to help project sponsors do that more quickly. That is just one of the steps that is needed in order for that obligation to happen.

I would also argue that even when the obligation has taken place, which may be traditionally is when the U.S. DOT would have imagined that its responsibility is complete, that we stay in touch with the project sponsor to make sure that the delivery is going well and to identify any nationwide issues around construction that could affect project timelines.

And again, we are happy to be as transparent as we can about the data and the dollars and the numbers as they move.

Mr. GARAMENDI. Thank you, Mr. Secretary.

There is a little matter out there about Buy America, a 1983 waiver that was granted by the then Transportation Department, that is still in place. That waiver deals with manufactured products that would be used in the Federal-Aid Highway Program. It's extremely important that that waiver be eliminated.

I know that you are working on it. I bring it to your attention. I bring it to the attention of my colleagues here, but the Buy America provisions in the current law are being pushed aside because of that 1983 waiver. To say that it's out of date is insufficient description of that waiver.

So, if you would pay attention to that? If you want to make a comment on that, I would welcome it, but mostly I would like you to get that waiver killed.

Secretary BUTTIGIEG. Well, thank you. I recognize your attention to this and would add that my boss is, of course, very focused on making sure that products and projects that are funded with taxpayer dollars are built with American labor and materials.

Right now, the Federal Highway Administration is in the process of reviewing all of its existing general applicability Buy America waivers that are not product specific and will publish in the Federal Register a determination on what to do next taking into account comments received.

As you know, the Federal Highway Administration published its first review via a request for comment in March and reviewed all the comments that came through that. The next step will be to move forward on that rulemaking, and we will keep you posted on that.

Mr. GARAMENDI. Well, your boss and our President's goal of making it in America and buy America is going to be thwarted, stopped, and otherwise harmed by a 1983 waiver. Kill it. Get it done. Thank you, I yield back.

Secretary BUTTIGIEG. Understood.

Mr. GRAVES OF MISSOURI. Mr. Stauber.

Mr. STAUBER. Thank you Mr. Chair, Mr. Secretary. I represent northeastern Minnesota, Minnesota's Eighth Congressional District. A couple questions: Do you know the average temperature in a Minnesota winter?

Secretary BUTTIGIEG. I know it's pretty cold, but I wouldn't know the number.

Mr. STAUBER. It's 12 degrees, although some of my constituents saw temperatures as cold as 42 below last year. Mr. Secretary, how many States have an average winter temperature of below freezing? It's half the country. Does cold weather affect an EV's battery life? Yes or no?

Secretary BUTTIGIEG. Yes, it does.

Mr. STAUBER. How much can an EV battery life be reduced by cold weather?

Secretary BUTTIGIEG. It depends on the chemistry of the battery and the model that you're in, but it's a substantial percentage of the—

Mr. STAUBER [interposing]. Yes.

Secretary BUTTIGIEG [continuing]. EV battery life.

Mr. STAUBER. It's 50 percent or more. And how long does it take for frostbite to kick in if an individual is out in the cold? Let's say their EV has run out of battery on northbound 35 between Minneapolis and Duluth?

Secretary BUTTIGIEG. I once got stuck on northbound 35—

Mr. STAUBER [interrupting]. It's about 30 minutes. It's about 30 minutes before frostbite. Mr. Secretary, do you know the average household income in the district that I represent? You probably don't, so, I'll tell you. It's \$69,000. And do you know what the average price of an EV vehicle is?

Secretary BUTTIGIEG. Sure. I pulled the latest numbers. The models are starting around \$30,000 for sedans. They're getting into the 40s for—

Mr. STAUBER [interrupting]. According to Kelley Blue Book, the average price for electric cars was over \$53,000 last July.

Secretary BUTTIGIEG. But surely you're aware they start closer to \$30,000, right?

Mr. STAUBER. My constituents would have to work a full year to pay for this unreliable car and would barely have enough left over to care for their family. What is the average median income of a single individual EV buyer? It's \$150,000.

Secretary BUTTIGIEG. As of when?

Mr. STAUBER. It's \$150,000.

Secretary BUTTIGIEG. As of when? I'm just asking because that number is going down each passing year.

Mr. STAUBER. This month.

Secretary BUTTIGIEG. Uh-huh.

Mr. STAUBER. This month, and how much of a taxpayer-funded subsidy is given to those high-income earners to purchase their EV?

Secretary BUTTIGIEG. As you may recall, the Inflation Reduction Act—

Mr. STAUBER [interrupting]. You should know this.

Secretary BUTTIGIEG [continuing]. Was set in such a way that there was an income cap on how you could benefit from it, so that the wealthiest people—

Mr. STAUBER [interrupting]. \$7,500.

Secretary BUTTIGIEG [continuing]. Are not able to take advantage of that, but we do wish we had your support—

Mr. STAUBER [interrupting]. Mr. Secretary, don't you—

Secretary BUTTIGIEG [continuing]. In lowering the cost of EVs.

Mr. STAUBER. Mr. Secretary, would you agree it's \$7,500?

Secretary BUTTIGIEG. Say again?

Mr. STAUBER. Would you agree it's \$7,500?

Secretary BUTTIGIEG. \$7,500 is the maximum credit that is eligible, and we think that making EVs cheaper—

Mr. STAUBER [interrupting]. For the—for the elites to—

Secretary BUTTIGIEG [continuing]. For working families to—

Mr. STAUBER [continuing]. Buy their luxury vehicle. It's—

Secretary BUTTIGIEG [continuing]. The tune of \$7,500 is a good break.

Mr. STAUBER. Mr. Secretary, excuse me. Do you think that it's fair for your administration to force constituents to purchase these electric vehicles when they're not working in especially northern Minnesota?

Secretary BUTTIGIEG. Well, the premise of the question is false because we're not forcing anybody to purchase any technology. Can you refer to any particular policy that forces anybody to—

Mr. STAUBER [interrupting]. By 2035—

Secretary BUTTIGIEG [continuing]. Purchase a new vehicle?

Mr. STAUBER [continuing]. By 2035, you want two-thirds of Americans to be using electric vehicles. They don't work in northern Minnesota in the cold weather today, and I want to just share something with you.

Mr. Garamendi, and I agree with him, buy American. Last July, you sat in this same spot and answered our questions, and I told you about a concern that I have with child slave labor in the Democratic Republic of the Congo, and I told you that we could mine these critical minerals needed for EVs in the district that I represent under the best labor and environmental standards in the world.

But you and the administration went ahead with an MOU at the DRC in January of this year, well documented child slave labor in the DRC, hardly any environmental standards, and your administration chose to enter MOUs with the Congo where 15 of the 19 mines are owned by the Communist country of China where they use slave laborers.

It's unbelievable that you chose other workers over the American worker, and it's unbelievable that you and your administration won't allow mining here in Minnesota and the United States.

Your Secretary of Energy, Secretary Granholm, came to the Western Caucus, and I happened to ask her, I said: Do you know the only nickel mine in the United States today? She couldn't answer that. Do you know where it is?

Secretary BUTTIGIEG. No, I don't.

Mr. STAUBER. It's in the Upper Peninsula of Michigan, the Eagle Mine. It's the gold standard, and she's our Energy Secretary. And do we need nickel, cobalt, and copper for these electric vehicles as we transition? The answer is yes. We need to mine here in America with American miners, American labor.

We can do it. The biggest copper and nickel find in the world, and your administration just banned it. Union labor, Mr. Secretary, that we want, and your administration took the union labor off mining, and not only in northeastern Minnesota, but across this country, because today this administration, they cannot give one example of allowing a mine to be opened in this country, and I yield back.

Mr. GRAVES OF MISSOURI. Mr. Johnson.

Mr. JOHNSON OF GEORGIA. Thank you. Secretary Buttigieg, is there anything that you would like to say in response to any of the questions and comments that have been made today that you've not had the opportunity to respond to?

Secretary BUTTIGIEG. Well, thank you. Had there been more opportunity to respond to Representative Stauber, I would have mentioned the work that we are doing to onshore, reshore, and friendshore the supply chain for electric vehicle batteries.

We have been doing that with funds that we wish that we had had more votes from the other side of the aisle on, but got done through the Inflation Reduction Act, and are going to help make sure more of this material is produced and refined here on American soil by American workers.

Mr. JOHNSON OF GEORGIA. Well, thank you. I also want to thank you for appearing before the committee today, and also for your hard work in making sure that \$6.7 billion in Bipartisan Infrastructure Law funding has been announced that is headed to Georgia with over 309 specific projects identified for funding, \$1.3 billion having already been spent to connect people in my State to high-speed internet, and as of today, more than 656,000 Georgia households are already saving their monthly internet bill.

I want to thank you for that, and also I might ask you in response to the question of the previous gentleman on the other side. He asked you about EV vehicles and the average price being about \$50,000, as he said. You said \$30,000, he said \$50,000, but are you aware of the cost of an F-150 Ford truck these days?

Secretary BUTTIGIEG. I know that it's gone up. They entered the market—well, the electric F-150 model entered the market around \$40,000 at—

Mr. JOHNSON OF GEORGIA [interrupting]. Well, I'm talking about the big gas-guzzling model.

Secretary BUTTIGIEG. Oh, I haven't checked the gas version lately.

Mr. JOHNSON OF GEORGIA. It's about \$50,000, I understand.

Secretary BUTTIGIEG. How about that.

Mr. JOHNSON OF GEORGIA. Mm-hmm. But at any rate, I'd like to ask you a question. When will the DOT bump up the personal net worth eligibility criteria so that it's adjusted for inflation while also pegging the personal net worth to inflation thereafter? When will you all do that?

Secretary BUTTIGIEG. Thank you for the question, Representative. We know that that personal net worth cap puts many business owners of DBEs in the position of being, as one business owner said to me, too big to be small for Federal purposes, but too small to be big and grow the way that you're supposed to.

So, we have issued an NPRM to modernize and improve the program, including updating the personal net worth and program size thresholds for inflation, and a number of other flexibilities. I can tell you that we are close to finalizing that rule, having reviewed the comments that have come in, and we recognize the importance of that step.

Mr. JOHNSON OF GEORGIA. All right, great. When will the DOT consider excluding retirement savings from its personal net worth limits?

Secretary BUTTIGIEG. That is also under active consideration and part of what will be addressed in the rulemaking.

Mr. JOHNSON OF GEORGIA. OK, thank you. Considering the recent report by the New York Times highlighting a significant increase in dangerous close calls between aircraft, what specific measures is the Department of Transportation implementing to improve warning systems at airports across the U.S. so as to mitigate these alarming incidents?

Secretary BUTTIGIEG. Well, thank you for the question. This is something that has a great deal of attention and focus both at the FAA and in the front office at the Department of Transportation, and we recognize that a number of specific steps can help.

Some of them are steps to build awareness and readiness among everybody who has a piece of the puzzle when it comes to aviation safety via controllers, pilots, or ground crews, which is why there's been a focus on things like situational awareness, communications and readbacks, and sterile cockpits.

But some of this is also a matter of having the right kind of infrastructure, and we're making sure that we're engaging with airports on that through, among other mechanisms, runway safety, action team meetings that take place at airports, and the work that the FAA does generally to make sure the latest technologies are available.

Mr. JOHNSON OF GEORGIA. OK, great.

Secretary BUTTIGIEG. I must add—sorry.

Mr. JOHNSON OF GEORGIA. Let me ask you—

Secretary BUTTIGIEG [interposing]. Go ahead.

Mr. JOHNSON OF GEORGIA [continuing]. This quick question about the hiring of the 1,500 air traffic controllers to meet the 2023 goal that is needed to rebuild the training pipeline. Can you tell us how that is moving forward?

Secretary BUTTIGIEG. Well, I'm pleased to say that we hit our target of 1,500 this year to be hired, and we have about 2,600 air

traffic controllers in the pipeline. But I would also be remiss if I didn't mention that a Government shutdown would stop us in our tracks when it comes to hiring and growing the ATC workforce at exactly the wrong moment. While those who are qualified controllers in the tower would be permitted to continue working, it would stop training at just the moment when we're finally trending positive again in terms of the number of people ready to take those seats.

Mr. JOHNSON OF GEORGIA. Yes. It looks like we're barreling towards a Government shutdown, unfortunately, and I hope that we can avoid it. Thank you.

Secretary BUTTIGIEG. Thank you.

Mr. JOHNSON OF GEORGIA. I yield back.

Mr. GRAVES OF MISSOURI. Mr. Nehls.

Mr. NEHLS. Thank you, Mr. Chairman. Good to see you, Mr. Secretary. You have \$66 billion—66 with a B, for rail in IJJA. That's a lot of money at your Department's discretion.

The California high-speed rail project started 15 years ago. Big, big promises on that project. It was supposed to be the next best thing in transportation in America. And for the record, I just want to let you know and everybody to know that I support high-speed rail in America.

I just don't support this project, and here's why. I have a document here. It's the California High-Speed Rail Peer Review Group letter from March 23rd, 2023, and I'd like to submit it for the record.

[The information follows:]

Letter of March 23, 2023, to Hon. Toni G. Atkins, California Senate President Pro Tem et al., from Louis S. Thompson, Chair, California High-Speed Rail Peer Review Group, Submitted for the Record by Hon. Troy E. Nehls

MARCH 23, 2023.

The Honorable TONI G. ATKINS,
Senate President Pro Tem,
State Capitol Building, Room 205, Sacramento, CA 95814.

The Honorable ANTHONY RENDON,
Speaker of the Assembly,
State Capitol Building, Room 219, Sacramento, CA 95814.

The Honorable BRIAN JONES,
Senate Republican Leader,
1021 O St., Suite 7640, Sacramento, CA 95814.

The Honorable JAMES GALLAGHER,
Assembly Republican Leader,
State Capitol Building, Room 4740, Sacramento, CA 95814.

DEAR HONORABLE MEMBERS:

The Peer Review Group created by Proposition 1A is required to report to the Legislature on selected reports and documents produced by the California High-Speed Rail Authority. In this letter we provide our comments on the 2023 Project Update Report (2023 PUR) issued by the Authority on March 1, 2023.

Since its inception in 2008, the Group has issued 18 letters and members have testified before Legislative and Congressional committees 15 times. In reviewing past letters and testimony, a consistent theme emerges: 1) project costs, schedules, and ridership estimates are uncertain and subject to significant risk of deteriorating, a typical experience for mega-projects; 2) the project is underfunded, and its financing is unstable, raising costs and making effective management difficult if not

impossible; 3) more legislative oversight is needed. This letter reinforces the message, but with a sense of urgency over the ever-higher stakes.

In our discussions, the Authority has argued that the 2023 PUR is the most complete—and honest—picture to date of the project and the challenges and choices that the State now faces. We agree and we compliment the Authority's efforts. We also acknowledge the experience the Authority has gained, some of it the hard way, in dealing with the immensely complex issues of an ill-defined, technically difficult megaproject impacting many common and often conflicting public and private interests. We are concerned by the picture that emerges.

ASSESSMENT OF THE 2023 PUR

Project costs. Project costs have risen year after year, and they continue to rise with no clear end in sight. The current contract values for Construction Package One (CP1), CP2/3, CP4 and the State Road 99 relocation are 97 percent higher than the original award values, up from an 86 percent increase a year ago. The Phase I system cost at the 50 percent probability (P50) level grew from \$68 billion in the 2012 Business Plan to \$92 billion in the 2022 Business Plan and to \$106 billion in the 2023 PUR. This is a 56 percent increase from the 2012 to 2023 (in YOY \$), and a 15 percent increase from 2022 to 2023. Comparison with other megaprojects does show that the Authority's experience is not out of line. It also shows that all megaprojects can be expected to have large delays and overruns; there is no reason to conclude that the Authority's problems on the project are over.

Schedules. Schedules continue to stretch out. CP1, awarded in August of 2013, was to be completed in March of 2018, but the current completion is December of 2026. CP2/3, awarded in February of 2013, was to be completed in December of 2018, but has a current completion of March of 2026. CP4 was awarded in February of 2016 with original completion scheduled for June of 2019, and the current completion date is July of 2023. The SR-99 relocation contract was awarded in February of 2013, the original completion was December of 2018, and it was completed in May of 2019. Completion of the Merced to Bakersfield section is now scheduled for some time between 2030 and 2033. There is no longer a projected completion date for the full Phase I system because there is no funding on which to base a credible schedule.

Ridership. Demand forecasts have fallen. The forecast ridership in the 2009 Business Plan was 41 million. In the 2012 Business Plan it was 37 million, in the 2022 Business Plan it was 38.6 million, and in the 2023 PUR it is now foreseen as 31.3 million. These changes have come about partly because of a change in the model used to forecast ridership and partly because of changes in the economic and demographic factors that generate ridership.

Confidence in forecasts. While the Authority argues that the cost forecasts for the 119-mile Madera to Poplar Avenue section meet the 65 percent (P65) confidence level, this may not be the case for the Merced and Bakersfield add-ons because there has been no bidding for the civil work in these sections, nor is there any bidding experience for trackwork, electrification or rolling stock. The work in the Central Valley was originally supposed to be the "easy" part, but contracts have overrun by 97 percent so far. Of the total (P65) estimated cost of the Phase I project of \$127.9 billion, approximately \$115.6 billion (Tunnelling, Track and Systems, Stations, and essentially all of the work outside the Central Valley), is only at the 15 to 30 percent (or less) design stage and there has been no bidding experience. The unbid part of the project, especially tunneling and electrification, is likely to be the hardest and most technically challenging part of the project, but the risk and cost analysis may not fully reflect the more difficult engineering and construction issues involved.

Inflation. The impact of inflation has been and will continue to be significant. The values used: 2023, 5.31%; 2024, 3.61%; 2025, 3.24%; 2026, 3.14%; 2027–2030, 2.00%, are based on the best available official sources, but necessarily require forecasts of events that are hard to predict. In particular, the estimates for the Southern California segments of the project have not been updated for inflation and cost experience. These segments cover approximately 41 percent of the total cost of Phase I and updating them will add billions of dollars to the expected cost.

Meeting local requests. Completion of environmental approvals and agreements with local authorities has typically added desirable but unanticipated scope and costs, such as the elevated stations in Merced (\$.96 billion) and Bakersfield (\$1.195 billion). Existing litigation and the need for local buy-in may well bring more such increases.

The MOU. The Memorandum of Understanding (MOU) of November, 2020, among CalSTA, the Authority and the San Joaquin Joint Powers Authority is a necessary

step in the right direction but it remains vague as to funding responsibilities and does not fix responsibility in a situation in which incremental revenues from operation of the high-speed services would not cover incremental costs—which is more likely now that demand forecasts have fallen.

New Federal money. The total award target of \$8 billion in new Federal grant funding is speculative. The total potential Federal “pot” may be significant, and it has many components, but it also has many claimants. While California will surely receive some of the money, the outcome is unpredictable, especially year-to-year. More important, we would like to underline the fact that this kind of unreliable and fluctuating, year-to-year funding is not compatible with the stable and predictable funding that the management of a large infrastructure project must have.

The unfunded gap. The unfunded gap is growing. In fact, there has always been an unfunded gap between identified credible sources of funding, on the one hand, and project costs on the other. In the early years, the Authority argued that State funds of \$9 billion would be combined with Federal, local and private sources to finance the project. The 2009 Business Plan argued that there would be no need for State funding beyond the \$9 billion in Prop 1A funding. Since then, the gap has grown with every Business Plan.

The 2023 PUR now shows that for the Merced to Bakersfield section the *unfunded gap (P65) is between \$2.5 and \$10.5 billion*, depending on the success in meeting the \$8 billion Federal funding target. More important, the 2023 PUR shows a *Phase I unfunded gap of \$92.6 billion to \$103.1 billion between estimated costs and known State and Federal funding*, again depending on success with meeting the \$8 billion target for new Federal grants.

The dilemma. The dilemma that the project now poses is that, given the expected cost increases, delays and demand decreases for the Merced to Bakersfield segment, there are few who would argue that completing this section, by itself, at a cost of up to \$35 billion, can be justified. Rather, it would make sense only in the context of a commitment to building the complete Phase I system. At the same time, completing the full Phase I system poses a growing financial challenge for the State because the gap is already large, and costs have been increasing faster than identifiable potential financing while forecast ridership has fallen.

CONSIDERATIONS FOR THE LEGISLATURE

The Phase I system as envisioned in the 2023 PUR is not the same as the system approved by the Legislature and the voters in Proposition 1A. While the Authority still envisions connecting San Francisco with Los Angeles and Anaheim as required, it will cost at least three times as much and take 15–20 years longer, will not meet the trip times envisioned, and will carry only 75 percent of the passengers. Very explicitly, the economic and financial performance of the 2023 PUR system cannot be as favorable as originally projected, and the tradeoffs between the investment in high-speed rail and alternative State needs must necessarily be different and more difficult than they appeared in 2009. Given what we know of the project today, and given the financial demands facing the State, the Legislature may want to commission an *independent* review of the economic and financial justification for the project, including the ability to operate without subsidy as required by Proposition 1A, before recommitting to the full Phase I system.

The Legislature may also want to:

- Request that the selection and appointment of the Inspector General (OIG) be given high priority. Some of the actions suggested below should be addressed by the OIG when the office has been fully staffed.
- Request the Authority to issue updated dashboard information in the format used for the ARRA dashboards so that the cost and schedule experience of awarded contracts can be easily evaluated and updated.
- Review the reports by the Authority on the award of all large new contracts (track and systems, rolling stock, stations, and the Merced and Bakersfield extensions) showing the contract value and expected completion time as compared with the 2023 PUR’s values.
- As proposed by the Authority, limit (“phase”) contract awards outside the 119-mile Madera to Poplar Avenue section in accord with actual availability of funding.
- Request development (by LAO or another appropriate agency) of an analysis with options and tradeoffs available to the Legislature for how to fund the gap for completion of the Merced to Bakersfield section and the gap between this section and the remainder of the Phase I system. It is critical that any funding approach be fully funded and stable and predictable from year to year.

- Request the Authority to assess changes that could be made to reduce costs in the Merced to Bakersfield section pending decision by the Legislature whether to authorize extension outside the Central Valley. An assessment would be useful because the State still has the option to limit the project to the 119-mile Madera to Poplar Avenue section or to limit the project to a revised form of the Merced to Bakersfield section if the evaluation of Phase I is unfavorable.
- Request the Authority to identify options for reorganizing the project into more manageable parts. For example, create a separate agency to award and manage tunnel construction to meet specifications set by the authority.
- Request the Authority to assess the current staffing and organizational structure of the Authority to determine if the staffing level and organizational structure match future project requirements, given possible changes in delivery systems, program schedule (including more concurrency of projects), funding conditions and other circumstances.
- Commission an *independent* study of the experience of the project and the lessons the State should learn that must be applied to future megaprojects the State undertakes.

Please do not hesitate to let me know if the Group can provide further information or answer any questions you may have.

Sincerely,

LOUIS S. THOMPSON,
Chair, California High-Speed Rail Peer Review Group.

cc: Hon. Lena Gonzalez, Chair, Senate Committee on Transportation
Hon. Roger W. Niello, Vice Chair, Senate Committee on Transportation
Hon. Laura Friedman, Chair, Assembly Transportation Committee
Hon. Vince Fong, Vice Chair, Assembly Transportation Committee
Toks Omishakin, Secretary, California State Transportation Agency
Gabriel Petek, State Legislative Analyst
Samuel Assefa, Director, Governor's Office of Planning and Research
Tom Richards, Chairman, California High-Speed Rail Authority
Brian Kelly, Chief Executive Officer, California High-Speed Rail Authority
Members, California High-Speed Rail Peer Review Group

Mr. NEHLS. Are you familiar with this document, sir?

Secretary BUTTIGIEG. I can't recognize it at a distance.

Mr. NEHLS. That's OK. I'll make sure—

Secretary BUTTIGIEG [interrupting]. But I'm aware that—

Mr. NEHLS [continuing]. You get one.

Secretary BUTTIGIEG [continuing]. There's been a lot of reporting.

Mr. NEHLS. Fair enough.

Secretary BUTTIGIEG. Yes.

Mr. NEHLS. This document is nothing more than—it's an SOS warning to cancel the California high-speed rail project because it's riddled with billions in cost overruns. The numbers in this document almost make it seem criminal, and I'm going to quote directly from the letter written to the board members.

"The peer review group created by Proposition 1A is required to report to the legislature on selected reports and documents produced by the California High-Speed Rail Authority."

In this document, the peer review group says, since 2008, "a consistent theme emerges. (1) Project costs, schedules, and ridership estimates are uncertain and subject to significant risk of deteriorating . . . (2) the project is underfunded, and its financing is unstable, raising costs and making effective management difficult if not impossible." Most importantly, "(3) more legislative oversight is needed."

In the peer review 2023 project update report, it states that project costs continue to rise with no clear end in sight. The current contract values are 97 percent, Mr. Secretary, higher than the

original award values. Phase 1 grew from \$68 billion in 2012 to \$92 billion in 2022, and now projected to be \$106 billion in 2023.

The scheduling on the costs, it says a construction project was awarded in August of 2013 and it was to be completed in 2018. This is before COVID, don't use COVID as an excuse, and now they say the current completion is December of 2026.

Ridership, big idea, 2009, big business plan, 41 million people. Now do you know what they project for 2023? Down to 31 million people. Why do they have 10 million less? I don't know. But the report—and you need to get this, sir, because you need to see it. The report recommends that the legislature may want to request the selection and appointment of the inspector general be given high priority. This project needs to be looked at. This is billions of dollars of taxpayers' money.

It's my understanding now they want \$3 billion more from the Federal-State Partnership for Intercity Passenger Rail Grant Program, and I want to make sure, sir, that we're not throwing good money after bad. The letter highlights that even if the project gets \$8 billion, they will still be short of at least another \$2.5 billion, even after the State of California funds are included. Have you visited the project, sir?

Secretary BUTTIGIEG. I haven't been to the construction.

Mr. NEHLS. Oh, you've got to get there. You've got to get there, sir. This is billions and billions of dollars. Are you willing to invest more taxpayer dollars on this project, which seems highly unlikely to succeed, versus sending that limited money elsewhere?

Secretary BUTTIGIEG. Well, I want to take care—let me start with where we agree, which is support for high-speed rail in general, and supporting high-speed rail in general doesn't—

Mr. NEHLS [interposing]. I'm with you.

Secretary BUTTIGIEG [continuing]. Necessarily mean that one would support a particular project, because this particular project is in active application for some processes—

Mr. NEHLS [interposing]. Yes.

Secretary BUTTIGIEG [continuing]. That are underway, I want to be careful not to prejudice that—

Mr. NEHLS [interposing]. I got it.

Secretary BUTTIGIEG [continuing]. Process. What I will say—

Mr. NEHLS [interrupting]. And listen, I appreciate you, sir, and I think this is what we should do. I think we should work together, you and I, conduct a full audit of the project before any high-speed grant decisions are made. Maybe you can call me up one day, we get on the jet, and we go fly out there and take a good look at it, how is that? You want to go look at that? Because I'm telling you, this gives high-speed rail a bad look. It's just costing billions of dollars, and they're going to come to your office, and they're going to request more. I've got to move into something else, because I have 29 seconds.

Secretary BUTTIGIEG. Mm-hmm.

Mr. NEHLS. Do we have a pilot shortage, my friend?

Secretary BUTTIGIEG. Pilot availability is certainly—

Mr. NEHLS [interrupting]. Wait, do we have a pilot shortage? I fly around a lot of times, cancel, cancel, cancel. Do you believe that

at a certain age that people should be forced to retire, this arbitrary age of 65? Do you think that's fair, or that's right?

Secretary BUTTIGIEG. Yes.

Mr. NEHLS. You do? How about having people in the highest office in our Nation over 80?

Secretary BUTTIGIEG. I think most of us can agree that—

Mr. NEHLS [interrupting]. I'm asking you a question.

Secretary BUTTIGIEG [continuing]. Certain professions like—

Mr. NEHLS [interrupting]. Should we—should we—

Secretary BUTTIGIEG [continuing]. Flying an aircraft are different than—

Mr. NEHLS [continuing]. Force to retire as the President of the United States at 80?

Secretary BUTTIGIEG. I think there are a lot of folks here who could do a great job regardless of their age, but—

Mr. NEHLS [interrupting]. Let's keep our—

Secretary BUTTIGIEG [continuing]. I wouldn't necessarily want them flying my—

Mr. NEHLS [continuing]. Experienced pilots—

Secretary BUTTIGIEG [continuing]. Airplane.

Mr. NEHLS [continuing]. In the air, sir. Let's keep them in the air. With that, I yield back.

Mr. GRAVES OF MISSOURI. Let's see, who is next? Mr. Carson.

Mr. CARSON. Thank you, Mr. Chairman. That's a tough performance to follow. Mr. Secretary, it is a pleasure to welcome you back, sir, to T&I. First, I want to thank you for traveling back to your home State, the great Hoosier State, and the city of Indianapolis, last month to examine some of our transformational investments in our Bipartisan Infrastructure Law, and that includes the \$25 million RAISE grant to make our downtown streets safer.

You and I, sir, spent some time at the sheet metal workers local apprenticeship and training program to learn firsthand how a new generation of tradesmen and tradeswomen are learning their crafts.

Mr. Secretary, what is the Department doing to expand these kinds of programs, sir, and how are you working to strengthen the transportation workforce with diverse participants, including minorities, disadvantaged, or underemployed individuals and returning citizens, and how can this committee help expand the Department's work?

Secretary BUTTIGIEG. Well, thanks, Congressman, for the question and thanks for a great visit to the Indianapolis area. I was really moved by what I saw in terms of the work that is going on to prepare those workers of the future for all of those jobs that are now materializing, and it's an extraordinary thing to have gone from not that many years ago wondering where all the work was going to be to now being more concerned about where the workers are going to come from, but that's certainly where we are right now.

And we are actively working through a number of funding streams and programmatic authorities at the Department of Transportation to do our part to help with the workforce issue. I'll offer just one example that's included in the IIJA that I think is instructive, which is that there is a requirement in the programming that

we use to acquire low- and no-emission buses for transit agencies, that at least 5 percent of that funding be put toward a workforce program, whether it's in partnership with the labor union, a community college, or another entity, in order to make sure that those workers who are qualified to repair and maintain diesel buses are ready to work on those low- and no-emission buses.

That's just one example, but another thing we're doing is urging project sponsors like State DOTs to recognize the availability of formula dollars often for workforce purposes, and I know that you have been a leading voice in advocating for attention to those excluded and minority workers who have not historically had as much of a role in the building trades, but are of course as capable as anybody of delivering that next generation of transportation infrastructure.

We've enjoyed working with a number of entities from transit agencies to labor union locals that have been taking steps forward to include people who may not have that multigenerational background in the building trades, but can get on those ladders to the middle class and bring good incomes to their families through those good-paying jobs.

Mr. CARSON. Sir, and lastly, Mr. Secretary, how can disadvantaged communities get better connected and plugged into EV infrastructure? Indiana was awarded \$100 million, but the Capital City only received \$15 million, and I'm going to offer for the record an op-ed from our State NAACP describing our concerns for your review.

[The information follows:]

Article entitled, "Alliance Aims for Equitable Placement of EV Chargers," by Taylor Wooten, Indianapolis Business Journal, September 8, 2023, Submitted for the Record by Hon. André Carson

ALLIANCE AIMS FOR EQUITABLE PLACEMENT OF EV CHARGERS

by Taylor Wooten

Indianapolis Business Journal, September 8, 2023

<https://www.insideindianabusiness.com/articles/alliance-aims-for-equitable-placement-of-ev-chargers>

INDIANAPOLIS, IN.—A group of Black civil rights organizations is amping up its call for racial equity to be taken into account as state and city leaders decide where to place chargers needed to support the growing number of electric vehicles.

The push comes as Indiana government officials decide how to spend at least \$100 million in federal funding on the state's EV infrastructure, the Indiana Utility Regulatory Commission creates new EV policies, and the city of Indianapolis seeks a \$15 million federal grant to install its own charging stations.

The Indiana Alliance for Equity, Diversity and Inclusion of Electric Vehicle Infrastructure and Economic Opportunities—a coalition of 25 organizations—formed in early 2022 to help ensure that federal funds were used by the state in an equitable manner and that EV chargers are placed in underserved communities.

Group members were unhappy with what they considered a lack of engagement with the Black community on Indiana's federally funded charger placements. The state says the process is ongoing, with six public meetings in July held in or near underserved communities and plans to create equity goals and engage minority-owned businesses.

Now the alliance believes it has another chance to influence the process by participating in a utility review and policy-creation process for EVs held by the Indiana Utility Regulatory Commission. The IURC will set EV policies to be followed by AES Indiana in Indianapolis, CenterPoint Energy in Evansville, Duke Energy in Plain-

field, Indiana Michigan Power Co. in Fort Wayne, and Northern Indiana Public Service Co. in Merrillville.

Federal funding opportunities

Both the state and city can benefit from money available through different programs in the \$1.2 trillion 2021 Bipartisan Infrastructure Law.

For the state, \$100M

National Electric Vehicle Infrastructure Formula Program
(\$5B nationwide over five years)

- ▶ 40% of program must benefit disadvantaged communities as part of the Justice40 initiative.
- ▶ Prioritizes highways, interstates.
- ▶ State is approved for the first round of funding, is accepting infrastructure installation proposals.

For the city, \$15M

Charging and Fueling Infrastructure Discretionary Grant Program
(\$2.5B nationwide over five years)

- ▶ 40% of program must benefit disadvantaged communities as part of the Justice40 initiative.
- ▶ Prioritizes publicly accessible areas, like downtowns and neighborhoods, particularly in disadvantaged and underserved communities.
- ▶ City has submitted its application, is awaiting approval.

Sources: Federal Highway Administration, city of Indianapolis

The IURC will issue a final order in about three months. Stephanie Hodgkin, executive director of strategic communications for the IURC, said the order will then be voted on at a yet-to-be-scheduled public meeting.

The alliance is urging the IURC “to make sure that all utilities will promote affordable and equitable electric vehicle charging options for residents [and for] commercial and public electric vehicle charging infrastructure; improve the experience and association with electric vehicle charging; and accelerate third-party investment in electric vehicle chargers,” said state Rep. Carolyn Jackson, a Gary Democrat and member of the equity alliance.

Douglas Everette, an attorney with Dentons Bingham Greenebaum LLP representing the alliance, said the commission can look to other U.S. cities for examples of how to motivate electric utilities to prioritize disadvantaged communities. One such example is Portland Electric in Oregon, which has a program that provides subsidies for charger placement.

Denise Abdul-Rahman, the environmental climate justice chair for the Indiana NAACP, said the equity alliance was unhappy with the state’s previous efforts to develop a plan for federal grant money because early events were hosted in nearly all-white municipalities during working hours, and because a survey of 2,000 people did not keep data on race and ethnicity of those surveyed.

Ultimately, the state’s grant plan was approved by the federal government over the coalition’s objections. Bid awards for charger installation will be announced early next year, with the first stations expected to be operational by early 2025, Indiana Department of Transportation spokeswoman Natalie Garrett wrote in an email to IBJ.

Garrett said INDOT will create an equity engagement plan for the remainder of the five-year grant program. Equity considerations also will be taken into account when installers for the charger system are selected. The agency has hosted networking events in Indianapolis, Evansville, Fort Wayne and Gary to connect minority-owned contractors to bidders.

The city of Indianapolis has applied for a \$15 million federal grant to install its own electric charging stations. The U.S. Department of Transportation has said it will award the first round of funding from the Charging and Fueling Infrastructure Discretionary Grant Program this fall.

Indianapolis has nearly 2,700 registered electric vehicles, with the Office of Sustainability aiming for 3,040 by 2025. Nationally, the number of EVs on the road is expected to grow to 26.4 million by 2030.

Community grants from the charging and fueling infrastructure program provide chargers to urban and rural communities in publicly accessible locations. Those locations include both downtown areas and other neighborhoods, particularly in underserved and disadvantaged communities, according to the Transportation Department.

About \$1.25 billion in such grants will be awarded nationwide over five years (with another \$1.25 billion distributed to what the Transportation Department calls “alternative fuel corridors”). Indianapolis is seeking the maximum community award of \$15 million and would be required to match 20% of that, according to the Transportation Department.

Office of Sustainability Senior Project Manager Mo McReynolds said the city’s application includes an emphasis on economic feasibility, community engagement and workforce development. But the federal grant limits the amount that can be spent on community engagement and education to 5% of the total award, or about \$750,000 if the city receives the full \$15 million, McReynolds said.

Much of the criticism of the state's federal grant expenditures has centered on a perceived lack of engagement with Black communities. City officials, in partnership with the alliance, said they hope for thorough community engagement despite the restrictions of the grant they're applying for.

"We're a little disappointed about that regulation, but we'll do what we can with the budget if we are allotted any," McReynolds said.

If the city receives the grant, staff will first conduct a feasibility study, she said. Taking into account chargers funded by grants the state receives and by other sources, the Office of Sustainability will decide where gaps remain.

Equitable infrastructure

The Indiana Alliance for Equity, Diversity and Inclusion of Electric Vehicle Infrastructure and Economic Opportunities has given a six-point equity commitment to the Indiana Department of Transportation, the city of Indianapolis and the Indiana Utility Commission that the alliance wants applied to upcoming federal disbursements.

1. Create a transparency portal, including metrics and progress of inclusion.
2. Far exceed 10% minority business enterprise goals, with a focus on Black business enterprises.
3. Develop and enforce apprenticeships, training programs, partnerships and opportunities that hire Black and racially/ethnically diverse individuals.
4. Place EV charging stations and grid-resiliency improvements (including community-owned solar) in Black and racially/ethnically diverse communities and business-owned properties, including faith-based institutions, under-resourced schools and grassroots not-for-profits. Add a race-conscious geo-mapping overlay.
5. Quantify the projected air pollution.
6. Create an equity advisory board of Black and racially/ethnically diverse organizations.

Source: Indiana Alliance for Equity, Diversity and Inclusion of Electric Vehicle Infrastructure and Economic Opportunities

The city of Indianapolis made an early foray into electric vehicles with BlueIndy rental cars. The \$6 million project launched in September 2015 and was shuttered in May 2020. The city issued a request for information the following month for suggestions on what to do with the nearly 90 BlueIndy charging stations with underground power. In August 2022, the city issued an RFP on the same topic that closed later that month. Officials have not yet announced next steps for the program.

These spots could be used for electric vehicle charging stations, for e-scooter and e-bike charging, for rideshare services, or for placemaking efforts like food trucks.

Abdul-Rahman of the NAACP said she is hopeful the Federal Highway Administration will fund Indianapolis and other Indiana communities, to "give us some assurance that equity will bend in our direction."

For Abdul-Rahman, that means ensuring that Black contractors are trained to install the chargers, that Black businesses are awarded some of the work and that charging stations are installed near Black churches and businesses.

Letters of support from Democratic U.S. Rep. André Carson to the FHA give the alliance hope the grant will be approved, Abdul-Rahman said. Carson serves on the House Transportation and Infrastructure Committee.

Mr. CARSON. I understand, sir, there are some discretionary funds available to help fill those gaps. Can you give us an update on how those gaps are being filled, sir?

Secretary BUTTIGIEG. Yes, thank you. This is one of the primary purposes for the community infrastructure element of the electric vehicle charging funds that were included in the IIJA, and in addition to those formula dollars—which, by the way, are subject to title VI and other requirements that the States follow through on their civil rights obligations. But we also have these discretionary dollars that we can use to plug those gaps.

Often, it is disadvantaged communities who could in theory benefit the most from the fuel savings that come with an EV but only if two other things are true. One, that they can afford access to the EV in the first place, which is one of the reasons why those tax credits and moves in the IRA to cut the sticker price are so important, and two, that they have access to chargers, including in places where it might not yet be profitable for corporations to install them. That's where we believe policy can make a difference, and that's where we're going to be targeting many of these funds.

Mr. CARSON. Thank you, Mr. Secretary. I yield back, Chairman.

Mr. PERRY [presiding]. The Chair thanks the gentleman. The Chair now recognizes himself for 5 minutes. Secretary, thank you for coming. Thanks for listening to our questions.

I want to pick up where we left off in July of 2022 regarding what I view as the administration's antimarket policies in regard to EVs. They are expensive.

The grid is not—we're building a second grid, I guess, on top of the grid we already have, which is a huge cost, and people are paying for that in their electric bills. The batteries have limited range, and despite the subsidization, the market is literally not adopting EVs, regardless of what we want to believe or what you want to say.

There is significant inflationary pressures and a glut of electric vehicles well beyond demand. And so, if we considered the current UAW strike, the cost of living has eaten away at these folks' ability to pay their grocery bill and their gas bill, so, they're obviously and righteously and rightfully upset, and the administration's subsidization of the electric vehicles is killing their jobs. They know this.

On the second point related to EVs, I think it's important to quote the UAW president, Shawn Fain, directly, and I quote, "not only is the Federal Government not using its power to turn the tide, they're actively funding a race to the bottom with billions in public money."

Now, you've recently moved to Michigan, I understand it, and I just wondered what you have to say to Michiganders who feel the Federal Government is using their very tax dollars to destroy their industry and their jobs.

Secretary BUTTIGIEG. Well, one of two things is going to happen, Representative. Either the EV revolution is going to be made in China, or it's going to be made in America. So, I have to say—

Mr. PERRY [interrupting]. But right now, it's destroying their jobs.

Secretary BUTTIGIEG [continuing]. To workers is that we are working to make sure that it's made in America.

Mr. PERRY. It is being subsidized, which is destroying their jobs. So, is your position that we're going to lose all these jobs, that's what has to happen, or China is going to build all these vehicles. Is that the position?

Secretary BUTTIGIEG. One of the reasons we've seen manufacturing jobs grow so much in this administration compared to the manufacturing recession under the last administration is that we are investing in American manufacturers and adding—

Mr. PERRY [interrupting]. You're investing—

Secretary BUTTIGIEG [continuing]. These new jobs.

Mr. PERRY [continuing]. With our money in things that we don't want. You realize that forcing car companies to make these vehicles at a loss at about \$60,000 per vehicle sold is damaging to the UAW jobs. In fact, I'm going to just look at Ford.

I hate to call them out, but their electric vehicle unit is expected to lose \$4.5 billion this year, which is up from \$2.1 billion in losses last year. There's a 92-day supply of electric vehicles, which is twice that of the current average of the internal combustion or traditional car, and I would just remind everybody that electric vehi-

cles were one of the first vehicles on the market back in the early 1900s, but they were replaced by better technology—by better technology then.

Now, the average new vehicle transaction price is about, I don't know, I just heard one of my colleagues say \$50,000. I've got \$48,763, which is up \$10,000 since your boss became the President and the average used vehicle price is \$26,510. Mr. Secretary, the people I work for, my bosses, can't afford what you're forcing on them.

These are not market forces. This is the Government funding the destruction of our own automotive industry, and I hope you know that approximately two-thirds of EV owners make over \$100,000 a year. My bosses don't make that. I don't know if you can justify or how you justify forcing my constituents to pay for EVs and EV infrastructure for coastal elites and wealthy people, but somehow you do.

Secretary BUTTIGIEG. Well, I need to point out that wealthy people were specifically excluded from the Inflation Reduction Act.

Mr. PERRY. Well, I just gave you—

Secretary BUTTIGIEG [interrupting]. We wish we could use—

Mr. PERRY [continuing]. The number. Do you—

Secretary BUTTIGIEG [continuing]. [Inaudible] on cutting the cost of EVs.

Mr. PERRY [continuing]. Dispute that two-thirds of EV owners are owned by people that make over \$100,000. Do you dispute that?

Secretary BUTTIGIEG. Certainly, yes, the first EVs of course were—

Mr. PERRY [interrupting]. Do you dispute that?

Secretary BUTTIGIEG [continuing]. Acquired by more—no—

Mr. PERRY [interrupting]. I mean—

Secretary BUTTIGIEG [continuing]. But that number is going down.

Mr. PERRY. Those are the facts. It doesn't matter if they're going down now.

Secretary BUTTIGIEG. Then why were you—

Mr. PERRY [interrupting]. My—the folks that I—

Secretary BUTTIGIEG [continuing]. Against cutting the price of EVs?

Mr. PERRY [continuing]. Represent can't afford them today, sir.

Secretary BUTTIGIEG. Why were you against cutting their costs?

Mr. PERRY. All the factors—I'm not against cutting their costs. The market should do it, but you want the Government—you want my taxpayers to pay to cut the cost which isn't cutting the cost, it's—

Secretary BUTTIGIEG [interrupting]. If you were of the view—

Mr. PERRY [continuing]. Subsidizing the cost.

Secretary BUTTIGIEG [continuing]. Respectfully, Congressman, if you were—

Mr. PERRY [interrupting]. Sir, with all these—

Secretary BUTTIGIEG [continuing]. Of the view that there should be no subsidy—

Mr. PERRY [continuing]. Factors combined—

Secretary BUTTIGIEG [continuing]. To propulsion vehicles, then are you against oil and gas subsidies?

Mr. PERRY [continuing]. Mean that—mean that for every EV sold, sir—

Secretary BUTTIGIEG [interrupting]. Do you believe that oil and gas subsidies—

Mr. PERRY [continuing]. At a loss, that the cost of the—as my—as my colleague on the other side, the gas-guzzling pickup truck is higher now to pay for the loss, as you kill—your administration and you in particular kill the auto industry, and I'll remind you in 2008 after the financial crisis, the Federal Government bailed out this industry. So, while you're here today, will you commit and will you pledge to oppose any effort to bail out the auto industry after you force it into bankruptcy again? Would you do that today, sir?

Secretary BUTTIGIEG. Congressman, I got started in politics when—

Mr. PERRY [interrupting]. I guess the answer is no.

Secretary BUTTIGIEG [continuing]. An Indiana factory—

Mr. PERRY [interrupting]. I yield the—

Secretary BUTTIGIEG [continuing]. Was at risk of being shut down because an elected official in my State tried to block the administration from saving Chrysler. I got involved and stood with the UAW to save those jobs, and I'll always be with auto jobs being preserved.

Mr. PERRY. I stand corrected. The gentlelady from Nevada.

Ms. TITUS. Thank you, Mr. Chairman. Mr. Secretary, would you like to finish your statement?

Secretary BUTTIGIEG. Sure, thank you. And I'll try to be as concise as I can. There are some people who I suppose believe there should be no subsidies for anything involving transportation, and I assume in the spirit of philosophical consistency they would be against subsidizing oil and gas, as well as being against subsidizing Americans being able to afford an EV.

There are others who believe that we should force Americans to be in the technology of the past forever, and then there's this administration, which recognizes that the world is moving to EVs, with or without us, and those EVs are either going to be made by Chinese workers or they're going to be made by American workers.

And we respect the UAW standing up at the dawn of a new chapter in the automotive industry that created my hometown to make sure that those are not just American jobs, but good-paying American jobs.

Ms. TITUS. Thank you very much. I apologize for having stepped out, but I went to speak to over 200 members of the Las Vegas Chamber of Commerce—Southern Nevada Chamber of Commerce who are in town, and told them I was coming back to see you, and they just said, well, tell him thank you for partnering with us for all the infrastructure funding that has come to southern Nevada.

We've gotten about \$3 billion already, \$120 million for the airport, it's everything from safe streets for the kind of underrepresented areas of the community, mass transit, all of those we think are great investments and help business come back in southern Nevada.

Our airport is also coming back, and we had a record 52.7 million passengers through the gates last year, and we're on track to go back to pre-COVID times. So, I wonder if you would talk a little

bit about the shutdown and how it's going to impact air traffic controllers and the progress that we've made so far, and maybe set back our very vital travel and tourism industry.

Secretary BUTTIGIEG. Well, thank you, Representative, for the question. We're proud to see so many great projects taking shape in your region of Nevada, and it's a region that reminds us just how important the aviation sector is to the American economy.

Even if you don't work in aviation, so many people who work, for example, in Las Vegas, in tourism and travel-oriented industries depend on aviation to be in good shape. It's one of the reasons why we viewed the cancellations and disruptions last year as unacceptable, and it's why we're pleased to see the numbers getting better, but we know that there is more work to be done.

Part of that work is having the air traffic control workforce that we need. We estimate that there are about 3,000-plus more people we need qualified than we have today, and that deficit didn't build up overnight. We're not going to be able to address it overnight, but we now have 2,600 air traffic controllers in training.

A Government shutdown would stop that training. Even a shutdown lasting a few weeks could set us back by months or more because of how complex that training is, and we cannot afford that kind of politically driven disruption at the very moment when we finally have those air traffic control workforce numbers headed in the right direction.

Ms. TITUS. Thank you. We're very concerned about that, because that is the lifeblood of southern Nevada. We're becoming a big sports center now as well as entertainment. We're going to have the Super Bowl, we're going to have F1. If those air traffic controllers aren't out there, we're in big trouble.

Speaking of people coming into the State, I want to ask you about the super-speed train. If there are any other projects besides the Brightline project from southern Nevada to southern California that are as far along in the process as we are with labor agreements, with environmental studies completed. We think we're real competitive, and we've been working on this for a long time, and that would not only spur business, commerce, trade, open up ports from southern California into the interior, as well as tourism, in both directions.

Secretary BUTTIGIEG. Well, thank you for the question, and as you know, both I and President Biden are enthusiastic about passenger rail, including high-speed rail. And again, I'll issue the caveat that I'm not going to speak to any active application that's underway that's being reviewed by our Department.

But I will note as you said that the proposed Brightline West project really has a unique combination of advancements under its belt, made a number of advancements on both the permitting and the right of way for the project this calendar year, and that a lot of that is because of an innovative design that reduces impacts by using that I-15 right of way that's right there.

I think a lot of people who envision high-speed rail where they live wish that there was such a ready right of way to take advantage of. So, that is certainly a project that I can tell you has our attention, and I know the enthusiasm for it in your district and really across the Southwest.

Ms. TITUS. It has regional significance, it's bipartisan and bistate, so, we appreciate you giving that consideration. Thank you, and I yield back.

Secretary BUTTIGIEG. Thank you.

Mr. PERRY. The Chair thanks the gentlelady from Nevada. The Chair now recognizes the gentleman from California, Representative LaMalfa.

Mr. LAMALFA. Thank you, Mr. Chairman and Mr. Secretary. Welcome to our committee lair. Glad to have you here today. So, we covered a lot of interesting topics so far. High-speed rail in California, that's always a fun one for me since I've watched that evolve for a long time as a Californian, and still the fact remains that the price of the thing has quadrupled from what the taxpayers originally sold when they approved about \$10 billion worth of bonds in the ARRA Act in about 2009, supplemented with about \$3½ billion more when all the other States threw theirs back in the pot and California got it all.

We've only been able to supplement that with some CO2 auctions at the State level. So, we're going to be probably \$70, \$80, \$90 billion short to complete that project. So, however much begging they come with hat and hand to this Congress here, to DC, that's what they're going to be ultimately asking for, because it will never pay for itself. So, it's time to move onto something else.

I found it interesting to hear earlier on the price of electric vehicles that an F-150 is \$50,000 now because it's about \$10,000 higher than it should be because of supply chain and a COVID shutdown that was much longer than it should have been.

So, you can see an F-150 at 50 grand, but you can see the lightning version—that's all electric—is about 70 to 80 grand, and you can look that right up. So, EV vehicles are going to be much costlier than the same equivalent, same size of an internal combustion vehicle. So, that's a reality that consumers are going to face as they get pushed out of having the choices. As to what Mr. Perry was saying, Ford is losing their rear end on these things right now, and that's going to have to affect the price of everything else, as well as the jobs.

So, the thing that it comes down to is that we're going to have to make them here, or we're going to let China make them. Well, even China making them is something that people aren't asking for unless they have a free choice. So, what I want to get at, Mr. Secretary, first, why are we doing all this? Is it high-speed rail? Is it because we're chasing a few tons of CO2, all these electric vehicles? Is it because we're chasing CO2? Is that really the whole deal?

Secretary BUTTIGIEG. Here's the way I look at it. The EV revolution is happening with or without us. Exercising their free choice, Americans have tripled their proportion of cars that they are purchasing electric already, and we're still at the very outset of this revolution.

You add to the fact that the cost of producing the cars will come down, and that if you've ever driven one, you probably know that it has superior performance, lower maintenance costs, lower costs of fueling it—

Mr. LAMALFA [interrupting]. Not in my—

Secretary BUTTIGIEG [continuing]. And—

Mr. LAMALFA [continuing]. Rural district, sir, because you have to drive—

Secretary BUTTIGIEG [continuing]. Fewer moving parts.

Mr. LAMALFA [continuing]. Many, many miles—and I can't—people don't want to come to my district so much because they can't count on being able to charge their vehicle if they want to go way up to Modoc County or something, so—

Secretary BUTTIGIEG. Yes, sure. If you're driving more than a couple of hundred miles a day, then you really depend on that charging infrastructure, some of which isn't there. On the other hand, the vast majority of Americans will do what Chasten and I do, which is we've got a hybrid plug-in minivan. We just charge it in the garage, and it does what we need for most purposes.

But anyway, the point is—to get to that very important question, you asked: If EVs are coming anyway, why have a policy intervention—

Mr. LAMALFA [interrupting]. No, they're being forced.

Secretary BUTTIGIEG [continuing]. Why spend taxpayer money?

Mr. LAMALFA They're being forced.

Secretary BUTTIGIEG. The answer is this—

Mr. LAMALFA [interrupting]. They're being forced by the Government.

Secretary BUTTIGIEG. No, nobody is being forced.

Mr. LAMALFA. The CEOs of these corporations don't have a spine. They're all falling in line.

Secretary BUTTIGIEG. I don't know if you've sat down with these CEOs, but I would say they're pretty tough and smart business people.

Mr. LAMALFA. No, they're scared of Washington, DC. Years ago, when the mandate was to have a 54.5-mile-per-gallon average, oh, we can do that by the year—what was it, 2022 or whatever? No way in hell they can hit that before all this electric stuff started happening—it was 2025, I think. Do you know what a 54.5-mile-per-gallon internal combustion vehicle looks like? It's about this big, OK?

Secretary BUTTIGIEG. Yes.

Mr. LAMALFA. So, nobody wants those, nobody wants these electric vehicles unless you're an elite that can afford them. People in my district sure as hell don't want them. So, keep going. Why are we doing this? Is it over CO2?

Secretary BUTTIGIEG. Yes, we're doing it for three reasons. Even though the EV revolution is going to happen anyway. I think that's likely.

Mr. LAMALFA. Oh, it's a revolution [indiscernible].

Secretary BUTTIGIEG. I would love to be able to answer your question, Congressman.

Mr. LAMALFA. Yes, OK.

Secretary BUTTIGIEG. Even though we think that transition is happening in the automotive sector no matter what, there are three things that we think are not guaranteed. Will it happen quickly enough to materially help with climate change, will it happen on equitable terms that are available to people who aren't wealthy, and—

Mr. LAMALFA [interrupting]. OK, but I'm—

Secretary BUTTIGIEG [continuing]. Might be able——

Mr. LAMALFA [continuing]. Running short on time, so, let's just——

Secretary BUTTIGIEG [continuing]. And three—if I could just please finish my answer——

Mr. LAMALFA [continuing]. Let's drill on the climate change.

Secretary BUTTIGIEG [continuing]. With a third.

Mr. LAMALFA. Let's [indiscernible].

Secretary BUTTIGIEG [continuing]. Will it be——

Mr. LAMALFA [interrupting]. Let's go onto climate——

Secretary BUTTIGIEG [continuing]. Made on American soil or not?

Mr. LAMALFA. It's about CO2, isn't it?

Secretary BUTTIGIEG. How is that?

Mr. LAMALFA. What percent of the atmosphere is CO2 that we're chasing here?

Secretary BUTTIGIEG. I'm sorry?

Mr. LAMALFA. What percent of the atmosphere is CO2 that we're chasing here? Because you talked about climate change.

Secretary BUTTIGIEG. I don't know the percentage of atmospheric gases——

Mr. LAMALFA [interrupting]. You don't know the percent of the atmosphere?

Secretary BUTTIGIEG [continuing]. That exist as CO2. What I can tell you is that climate change is real, we've got to do something about it. And we've been——

Mr. LAMALFA [interrupting]. Yes, that's what's called autumn, sir.

Secretary BUTTIGIEG. I'm sorry?

Mr. LAMALFA. This one is called autumn right now, but yes.

Secretary BUTTIGIEG. I'm sorry, I couldn't make out what you said, sir.

Mr. LAMALFA. This climate change right now is called autumn, yes.

Secretary BUTTIGIEG. Yes, that's the seasons changing, which respectively is not the same thing as the climate changing. And as somebody who is hoping to retire in the 2050s, and who has kids who will be old enough to ask me as they're getting into their thirties whether we did enough to deal with climate change, or whether we just did what was convenient. I take that really seriously.

Mr. LAMALFA. Reclaiming my time. Thank you, Mr. Secretary. The trillions and trillions we're going to cost our kids to chase a tiny percentage of CO2 will bankrupt all of us, and bankrupt our economy, and ship it to China for all the other reasons. So, I yield back, Mr. Chairman.

Mr. PERRY. The gentleman's time has expired. The Chair now recognizes the gentleman from California, Mr. Huffman.

Mr. HUFFMAN. Mr. Secretary, it's good to see you. You can see that I serve here in Congress with some of the greatest minds of the 19th century. Thank you for your leadership. I will tell you as the Representative for the North Coast of California it warms my heart when I hear a Midwesterner correctly describing the importance of anadromous fish passage.

That was one of many points in your testimony that met with my strong approval. I appreciate that, and I really want to appreciate

the hard work you're doing to quickly and efficiently roll out these historic investments from the IIJA and the IRA. A lot of good work is happening because of your leadership in my district. One of those culvert replacement projects, a \$20 million one—\$20 million worth of those projects in Humboldt and Mendocino County.

Good for transportation, great for anadromous fish, and, of course, we were there at the Golden Gate Bridge to celebrate the \$400 million investment that is going to make that iconic landmark and critical infrastructure asset safe from seismic risk for the next 100 years.

It is especially exciting that all of these investments from the IIJA and the IRA are just getting started, so, we can expect more good news to come, and that's particularly true for the incentives to transition to electric and zero-emission transportation sources.

I'm really proud to see the State of California leading on this. Our Advanced Clean Cars II rule will require that all vehicles sold in the State be zero emission by 2035. As you've acknowledged, other States are following this standard as well, it's not just California, and the industry itself is heading in this direction.

So, thanks for acknowledging the imperative of owning and leading on this important transition, but we still have to tackle the thing that's kind of complicating and holding back this transition, the chicken and egg problem of charging infrastructure.

So, I wanted to ask you a bit about that. We're especially challenged to see more charging infrastructure in higher density areas and in less affluent communities. So, California is certainly ready to lead in this space as well, but we are in desperate need of funding assistance.

EVs have become so popular in California that the vehicle-to-charging station ratio is especially dire. We need more chargers in California if we're going to continue to lead.

So, I hope that you will give fair and equitable consideration to that as you continue to roll out the funding for charging infrastructure. The need is even greater when we look at medium- and heavy-duty vehicles that produce proportionately a higher amount of greenhouse gas emission. Currently, there are just four publicly accessible charging stations and three hydrogen fueling stations to serve zero-emission trucks on the entire west coast.

And so, I know that California and Washington and Oregon have come together on a joint application for funding. It is the West Coast Truck Charging and Fueling Corridor Project. It would deploy 34 publicly available charging stations and 5 hydrogen fueling stations to support zero-emission medium- and heavy-duty vehicles on the west coast. We hope you will give that your full and equitable consideration as well.

And in that regard, I just want to ask you, what can communities do to complement all of this historic Federal funding that has become available and make EV charging more accessible and equitable?

Secretary BUTTIGIEG. Well, thanks. It's a great question, because sometimes I fear that communities or States see that we're doing a lot federally, and think that means, well, we shouldn't be doing much locally. Of course, the best way to unlock and take advantage

of this national and Federal push is for there to be local and State commitments as well, and we're seeing a lot of that.

I think it's also important for local jurisdictions to provide whatever data they have on where the need is greatest. This is not like gas stations. It's different. It's both easier and harder. It's easier in the sense that unlike gas, the majority of Americans will wind up doing a majority of their charging at home. On the other hand, it's harder because unlike gas, it can take a lot more than 3 or 4 minutes to fill up depending on what kind of vehicle and what kind of charger we're talking about.

So, we can't just put a charging station everywhere there's a gas station. We really need to recognize that this is different, and the implications from grid policy to land use are profound.

We need to be working with States and communities not just as project sponsors but as thought partners in getting the right profile for that install base of that 500,000 charging stations that the President envisions us having as a country by the end of this decade.

Mr. HUFFMAN. Thank you, Mr. Secretary, and just a few seconds, I also want to invite you to come and visit a port modernization project we've got to service offshore wind in Humboldt County, also within your jurisdiction. I think it would be of great interest.

We'd love to have you there, and we can show you some anadromous fish passage projects while you're there. Mr. Chairman, I will yield back, but I will ask unanimous consent to enter into the record an article that is pretty responsive to the comments that my colleague from Minnesota made about EVs not working.

It is from the Twin Metals Mining Corporation of Minnesota announcing that they are converting their whole fleet to electric vehicles, so, apparently they're pretty excited about EVs in frigid Minnesota, and with that, I yield back.

Mr. PERRY. Without objection, so ordered.

[The information follows:]

Article entitled, "Twin Metals Says It Will Use an Electric Vehicle Fleet; Opponents Aren't Swayed," by Walker Orenstein and Yasmine Askari, MinnPost, August 12, 2021, Submitted for the Record by Hon. Jared Huffman

TWIN METALS SAYS IT WILL USE AN ELECTRIC VEHICLE FLEET; OPPONENTS AREN'T SWAYED

What this means for the controversial plan to operate a copper-nickel mine near the BWCA.

by Walker Orenstein and Yasmine Askari

MinnPost, August 12, 2021

<https://www.minnpost.com/greater-minnesota/2021/08/twin-metals-says-it-will-use-an-electric-vehicle-fleet-opponents-arent-swayed/>

Twin Metals Minnesota has marketed its controversial plan for a copper-nickel mine near the Boundary Waters Canoe Area Wilderness (BWCA) as more environmentally conscious than your average mine.

The company says the project is crucial to the advancement of green technology because the underground mine would produce metals needed to run wind turbines, solar panels and electric car batteries. Twin Metals also plans to use a "dry stack" storage system for toxic mining waste that some environmentalists prefer—though

others say will put the dangerous byproducts perilously close to waters that flow into the BWCA.

Now, Twin Metals says it wants to slash the mine's potential greenhouse gas emissions by electrifying its vehicle fleet, and, eventually, running on renewable energy. "We're doing this because it fits our mission; it's the right thing to do," said Julie Padilla, chief regulatory officer at Twin Metals. "All of these pieces are in line with our own principles and our parent company's principles about advancing safe technology, for worker safety and for the environment."

The announcement, however, has not swayed the project's opponents, who argue the mine's potential for water pollution of a pristine wilderness is still a top concern and say the mine poses other environmental risks.

Here's what you need to know about what this means for the Twin Metals project:

HOW COMMON ARE ELECTRIC MINING VEHICLES?

Nearly all of the "mining and large support vehicles" for the project will be electric, says a Twin Metals news release. Padilla said that includes large haulers, crushers, loaders and vehicles that will be stacking and compacting tailings. Other electric vehicles, she said, will be part of onsite transport. Initially, Twin Metals had planned on diesel equipment.

The mine will be the first with an electric vehicle fleet in Minnesota, Padilla said. Electric powered mining equipment has been around for decades, but only recently have mining companies begun to make the switch from diesel-powered vehicles to battery-electric vehicles. Over the past few years, mining companies in Canada and Australia have begun to utilize electric haulers, drills, mine trucks and production drills.

At the Borden gold mine in Ontario, Newmont Goldcorp has already swapped all underground diesel fleets for electric vehicles.

"It's not brand new and it's not untested, but it's certainly at the early stages of adoption," Padilla said of electric mining vehicle technology.

Kelsey Johnson, president of the Iron Mining Association of Minnesota, said Minnesota Power, the electric utility, is planning on running experimental tests of fully electric hauler trucks for the state's taconite mines. While Johnson said mines hope to adopt them, testing feasibility is important since the trucks are \$4 million apiece, and one facility might have as many as 250. They also require new and logistically difficult infrastructure for overhead wires that would power them, Johnson said.

Nearly all big shovels at iron mines in the state, which scoop rock for haulers that transport it to crushers, are electric, Johnson said. Large rock crushers, which are "energy hogs," are also fully electric, Johnson said.

Like other mining companies that have gone electric, Padilla said Twin Metals has made the switch to both reduce emissions and improve working conditions.

"The entire underground fleet will be electrified which really both creates a much better worker environment because there will be no diesel emissions underground."

WHAT KIND OF CUT TO CARBON EMISSIONS WILL THIS BRING?

Twin Metals estimates its electric vehicle fleet would reduce onsite greenhouse gas emissions—produced by things like vehicles, heating and blasting—by 65 percent. In total, Twin Metals expected its carbon emissions output, before the EV fleet, to be roughly 75,644 tons per year. Now they project 27,507 tons of emissions.

That does not count emissions tied to the electric grid for power, however. Mines are typically energy hungry.

The Campaign to Save the Boundary Waters, an anti-mine advocacy group, contends the Twin Metals project would result in more than 1 million tons of carbon emissions per year over its 20-year life, based on data they said comes from initial company estimates. Twin Metals says based on an average Midwestern power grid, the company projects it will emit roughly 261,315 tons of carbon emissions per year. Padilla said environmental regulators, and the company's evolving mine plans, will help determine more definitive emission estimates during the review process.

But for scale, the transportation sector in Minnesota produced more than 40 million tons of greenhouse gas emissions in 2016.

Padilla also said the company hopes to make strides on carbon emissions from the electric grid. Twin Metals has not signed a supply agreement with a power utility, making plans speculative, but Padilla said they hope to use only renewable energy at the mine site. How they would do that is still unclear. Minnesota Power, the main utility in the region, has said it plans to provide carbon-free energy by 2050 and be coal free by 2035.

Padilla said Antofagasta, the Chilean parent company of Twin Metals, is transitioning all of its mines to renewable energy by 2022 and plans to be carbon

neutral by 2050. “It could be a combination of possibilities, including just greater acquisition of renewable energy from a power provider than they’re giving to the general public,” Padilla said. “It could also be a combination of on-site (generation) possibilities or utilizing other technologies as we move forward.”

Padilla also said the company is working on grant funding to try to pump carbon into their tailings to sequester it, “which could make us a carbon-neutral project or potentially a carbon sink.”

WHAT ELSE HAS TWIN METALS DONE TO TRY TO MAKE ITS MINE PLAN GREENER?

Twin Metals has faced stringent opposition from environmental groups and skepticism from federal regulators and most Democrats in Minnesota, a state with a DFL governor whose Cabinet members are responsible for major permits for the project.

In turn, Twin Metals has made a point of trying to make its potential mine friendlier to the environment.

In 2019, Twin Metals scrapped plans for a large tailings basin—mining waste covered by water in a pond held back by a dam—further away from the BWCA that opponents said could be vulnerable to catastrophic collapse. They instead hope to squelch water from the tailings and store them in a large stack next to Birch Lake with consistency similar to sand-castle sand.

This method isn’t widely used and has its environmental upsides and downsides. For instance, some anti-mine groups said moving the tailings closer to water that flows into the BWCA was actually a downgrade in safety for the wilderness area.

Still, the EV pledge continues Twin Metals’ efforts to make and promote environmental upgrades at the mine.

From the start, the company has said the metals like copper, nickel and cobalt it would mine are needed for a green economy, from solar panels to EVs. There are warnings of shortages already for materials like lithium, cobalt and nickel used in EV batteries.

Mine opponents argue those important metals can come from recycling or from mining in less water-rich environments away from wilderness areas. It’s also not yet known how much of what Twin Metals mines would end up in the U.S., or used for green technology.

“We haven’t signed any contracts; we’re obviously very early in the process about where our concentrate and our metals would go,” Padilla said. “But we’ve located capacity in the western U.S. and Canada and Mexico so we want to be able to keep it at least within our country and within our allied nations related to these metals.”

Padilla said technology exists to take nickel and cobalt concentrate directly to a battery manufacturer, “so there’s an opportunity for this state to really move forward with an economy in the region that can directly take those metals and produce electric vehicle batteries.”

“We’re working with a number of partners on that right now.”

WILL THIS WIN OVER SKEPTICAL ENVIRONMENTAL GROUPS?

Water pollution remains a major concern for environmental groups, said Tom Landwehr, executive director of the Save the Boundary Waters campaign and former commissioner of the Department of Natural Resources (DNR).

Sulfide mining, such as copper-nickel projects, can result in acidic runoff and pollution of waterways with heavy metals or mercury. The Twin Metals mine would sit a few miles from the BWCA and on a waterway that flows into the wilderness area. Sulfide mines have a historically poor track record with water pollution, though Twin Metals contends it can meet state standards for pollution thanks to modern mining technology and the composition of the rock in the area.

Landwehr said there are other environmental risks posed by the mine, and said the company’s pledge to use electric vehicles is “green washing” because the company’s fleet would only represent a segment of their overall emissions.

“The amount of energy that’s required to run that mine is going to be greater than the city of Duluth and that is going to be coming from existing energy sources,” Landwehr said, including, potentially, some coal. Minnesota Power says one taconite mine owned by U.S. Steel in northern Minnesota can need as much power as the city of Minneapolis.

Landwehr also said nearly two square miles of forest land will be destroyed for the mine, which he said poses a risk of bringing in invasive species near the BWCA and gets rid of trees that absorb carbon emissions.

“It’s an attempt to really mask this enormous environmental impact they’re going to have by this mine and not just an impact while they’re operating, but an impact

into perpetuity because they're going to be putting these tailings on top of the ground and leaving them there forever," Landwehr said.

WHEN COULD THIS MINE BE BUILT?

The road to a fully operational mine is long and uncertain. The company has experienced both a series of setbacks and wins since submitting a plan to state and federal regulators in December 2019, one that was a decade in the making.

The DNR is currently in the first stages of an environmental review of the mine. Before construction begins, Twin Metals will need a series of state permits, such as air quality and water pollution permits, from different agencies.

Since Twin Metals seeks to build the mine in the Superior National Forest, the company needs federal approvals, too. Former President Barack Obama's administration denied two key mineral leases held by Twin Metals, but they were later renewed by the Trump administration. In March 2021, the Interior and Agriculture departments under the Biden administration began reviewing the leases again. The heads of both departments are opposed to copper-nickel mining near the Boundary Waters. But as of May, Agricultural Secretary Tom Vilsack said the White House had still not made a decision on the mining project. According to Reuters, Biden is interested in sourcing the bulk of metals for electric vehicles from allied countries but processing them domestically for battery parts.

Oppositional groups have tried twice to invalidate the two federal mineral rights leases reinstated by the Trump administration. In May, a federal judge ruled that evidence brought forth by opponents of the mine would not have changed the court's decision to uphold the leases.

Even if approved by state and federal regulators, Padilla said the earliest the mine could be operating is likely by the end of the decade.

Mr. PERRY. The Chair thanks the gentleman. The Chair now recognizes Representative Westerman for 5 minutes.

Mr. WESTERMAN. Thank you, Chairman Perry. Secretary Buttigieg, thank you for being here today. I would like to—I've been listening to some of the debate, and there was talk about a revolution—the EV revolution.

I thought a revolution was something that came from the people, and revolutions are often compared to anarchy where the people rise up, and I don't think the people are rising up asking for EVs. I think it's actually just the opposite of anarchy, and that's hierarchy, where it's coming from the top down forcing on the people not having a choice and saying this is the way it's going to be, and because of Government policies and mandates, you're not going to be able to drive an internal combustion engine vehicle. You're not going to have the choices, and we know that hierarchy, according to scholars, leads to fascism.

That's where that comes from. So, this mandate that—or, goal or whatever you're calling it that up to 50 percent of vehicles on the market by 2030, I don't think that's a revolution.

I think that's coming from the top down, trying to force some people's desires on other people, and with that comes a lot of other consequences. It's been talked about the demand on minerals and elements. Building all these electric vehicles is going to require a tremendous amount of rare earth elements and minerals, and at the same time that your boss is pushing EVs in one agency, in another agency, they're closing down mines.

Mr. Huffman mentioned the Twin Metals project. They're not going to be able to buy any electric vehicles if they can't have a mining project, but this administration has canceled two mine leases in Minnesota and enacted a 20-year ban on mining in more than 225,000 acres in the surrounding area where these minerals

can be found in unparalleled quantities right here in the United States.

And I've said the problem with this administration's plan is two-fold. It's physics and math. If you can solve those two problems, then you may have something with your electric vehicles and carbon emission goals, and I would contend that you're not even going to be able to achieve these carbon emission reductions.

The policies of this administration are actually increasing global carbon emissions because they're forcing more energy to be produced in other countries that don't have near as good controls as we do. China is building 38 gigawatts of coal powerplants a year. The global use of coal was at an alltime high last year. We can't put our head in the sand and say one energy source is better than another energy source, and by the way, America, you're going to be forced to drive EVs.

I was back home in my district. I took my pickup in to get it serviced, and I was talking to a salesman at the car dealership that I've known a long time, and I said it looks like you've got a few more cars on the lot than you had before. He said, yes, we're starting to get them, he said, but the problem is, nobody can afford them.

I said, what do you mean? He said, we don't have any cars under \$30,000. He said a big part of our sales used to go to people who could only afford to buy a \$20,000 or \$30,000 car, and now they simply don't have an option. It's not in a used vehicle, they don't have an option.

Now, you've got a \$115,000 pickup on the lot. He said, actually, we sell some of these. People that have a lot of money, they still come in and buy a lot of vehicles, but my constituents back in the Fourth Congressional District of Arkansas are the ones that are looking for that \$20,000 or \$30,000 vehicle, or the \$5,000 to \$10,000 used vehicle. So, with these grandiose goals that I contend are not going to do anything to address the climate challenges, they're not going to reduce any carbon in the atmosphere, what would you tell me to go back and tell my constituents as far as buying an automobile?

Secretary BUTTIGIEG. Well, I wish you could tell them you voted to make the sticker price of an EV cheaper by joining us on the Inflation Reduction Act, but barring that—

Mr. WESTERMAN [interrupting]. And also—

Secretary BUTTIGIEG [continuing]. I would point to the—

Mr. WESTERMAN [continuing]. Let me—while you're—

Secretary BUTTIGIEG [continuing]. Fact that when I—

Mr. WESTERMAN [continuing]. While we're on that—

Secretary BUTTIGIEG [continuing]. Entered the—

Mr. WESTERMAN [continuing]. While we're on that, now I'm reading that the price of internal combustion vehicles are more expensive because the auto manufacturers are losing so much money on EVs, even with the Government subsidies that every American taxpayer is paying for, they're losing so much money on EVs they're actually raising the price on internal combustion engines.

So, me voting to spend more taxpayer moneys on a Government handout to play favorites in a certain industry, that's not going to help anything, and it's not going to make my constituents feel any

better about not being able to buy any kind of vehicle, and my time has expired, and I yield back.

Mr. GRAVES OF MISSOURI [presiding]. Ms. Brownley.

Ms. BROWNLEY. Thank you, Mr. Chairman, and thank you, Mr. Secretary, for joining us this morning. First, I wanted to congratulate you for completing the Michigan Ironman triathlon last weekend, so, kudos to you.

I'd like to begin by thanking you for your work to improve our Nation's infrastructure, to improve transportation safety, and to address the climate crisis. I also want to thank you for your work to implement the historic infrastructure bill, which is helping so many communities across the United States, including mine, to create and sustain jobs, especially in construction and engineering sectors, which is fueling economic recovery and helping families to put food on their tables.

I am especially grateful for the resources the Department of Transportation has directed to projects in my district, which includes most of Ventura County in California and portions of western Los Angeles. It includes more than \$22 million to the 101 Freeway, which is a critical thoroughfare in my district, and over \$12 million dedicated to the Gold Coast Transit District for zero-emission buses, as well as funds directed to Ventura County's Oxnard and Camarillo Airports, which are critical engines of economic activity for our local businesses in the region.

In addition to creating and sustaining jobs, these critical projects are helping to improve transportation options in our community, lessen traffic congestion, reduce harmful greenhouse gas emissions, and improve the quality of life in my community. So, I thank you again for your attention to these local priorities.

As the Department of Transportation considers awards for other competitive programs like the Port Infrastructure Development Program, I also want to emphasize to you the incredible role that the Port of Hueneme plays in goods movement in our Nation, including for automobiles and fresh fruits and vegetables, imports, and exports.

The next time you are in California, I hope you can visit the Port of Hueneme, to see really firsthand one of the Nation's cleanest ports, and really working towards zero emissions is really helping to eliminate bottlenecks in both Los Angeles and northern California. It's a deepwater port in California that sometimes is overlooked, but a very, very important port, and as I said, supporting fruits and vegetables and EV vehicles to the American people.

So, my first question to you, Mr. Secretary, is I was pleased that Congress was able to agree that a blender's tax credit is necessary to jumpstart production on sustainable aviation fuel. So, what are you doing to advance SAF technology and to make this critical fuel more widely available to meet the demands of the aviation industry?

Secretary BUTTIGIEG. Well, thanks for the question, and let me echo the appreciation that we have for how funds are going to good use in your region, and certainly, we would welcome a chance to see Port Hueneme as well.

Sustainable aviation fuels are going to be an incredibly important part of decarbonizing aviation because unlike vehicles—light-

duty vehicles where you can go acquire a car right now that is zero emissions on today's technology while we're, of course, working to make that more affordable, in the case of aviation, we're a long way from novel propulsion that isn't going to require some kind of fuel.

Sustainable aviation fuels are made from renewable sources, so, they provide a reduction in life-cycle carbon emissions, and there's a number of measures we're taking to advance that.

One is, together with the Departments of Energy and Agriculture, we co-lead the SAF grant challenge. That focuses Federal efforts to try to dramatically expand how many we're producing by the end of this decade. We're trying to get to 3 billion gallons by the end of this decade to put us on a path to 35 billion gallons a year by the end of 2050. That would be enough to meet 100 percent of what we project is the domestic jet fuel demand there.

Then there is the FAST, Fueling Aviation's Sustainable Transition grant program, that's \$291 million in grants to accelerate production and use, and the development of low-emission aviation technologies. I will—best I can say is very soon we'll have news to make about getting those funds out on the street, and we're especially excited about the different applications that are going to come in there, because we know it's going to be a lot of private-sector work, too, but we've got to make sure we're doing our part with public policy.

Ms. BROWNLEY. Thank you very much. My time is about to end, but I also look forward to the opening of the new office of the National Multimodal Freight Network, and hope very much that DOT will include ports with more than \$1 billion in annual cargo in the freight networks. Thank you. I yield back.

Secretary BUTTIGIEG. Thank you, Representative.

Mr. GRAVES OF MISSOURI. Mr. Johnson.

Mr. JOHNSON OF SOUTH DAKOTA. First off, Mr. Secretary, thanks for spending some time in South Dakota last week. You mentioned it in your opening comments, and you behaved yourself. Nobody had any complaints. My team, some members of my team were along with your trip and I just—I thought everybody thought it was a very productive time in our State, so, thank you for coming.

Secretary BUTTIGIEG. It was a great visit.

Mr. JOHNSON OF SOUTH DAKOTA. You and I share a passion for permitting reform. It does seem like we've had a number of different views about the future of EVs and what is the proper role of Government in that future, and I think it's appropriate.

Reasonable people can disagree about that, but it does seem like we should find some common ground on the fact that it should be a lot easier to cite both transportation infrastructure and the kinds of minds that are necessary for us to not be as reliant on China in the future as we have been on the Middle East in the past.

And so, because we've—and we've talked the last couple of times you've been in committee, you and I have found some common ground. We've talked about some specific things to do. Of course, Mr. Secretary, you know that's the problem.

Everybody wants to do something. The actual specifics get a little hard to do. I do want to give a shout out to Mr. Stanton on this committee as well as Senators Lummis and Kelly in the Senate.

We've got a bipartisan plan. The Interactive Federal Review Act, I know you know about it, sir, but just for everybody else, this would cut down on some of the inefficiency of agencies taking these static PDFs and emailing them to one another as they're working through the siting process, and instead use a dynamic cloud-based platform to try to make sure that our Federal Government works a little more efficiently. I just wanted to give you an opportunity, sir, to talk about your agency's interest in or support of our bill.

Secretary BUTTIGIEG. Thanks. We welcome—we're piloting what we can, but with legislative support, could do much more to make these processes less paper intensive. We know that so much of the redtape has to do with passing information back and forth between project sponsors, States, the relevant Federal agencies, sometimes between Federal agencies.

So, anything we can do to simplify that process, we welcome. We're doing what we can on our own with things like developing partially automated gating through the web forms that project sponsors use to apply, given them a heads up if something is out of compliance while they're still putting the application together so they can address it instead of having that bureaucratic back and forth, but certainly what you're talking about would introduce new tools that I think could be very helpful.

Mr. JOHNSON OF SOUTH DAKOTA. I mean, are there other specifics that Congress could work with the administration on regarding this permitting? As you know, as part of the Fiscal Responsibility Act, there was a pretty substantial reform in the timelines, the shock clocks that agencies will have to complete EISs and EAs, that's probably the most substantial permitting reform in a couple of decades. What else can we do?

Secretary BUTTIGIEG. Well, let me point to one thing that's now underway, but there's going to be more opportunity where that came from, and that's categorical exclusions.

So, the Fiscal Responsibility Act added that new provision to section 109 of NEPA, which made it possible for one agency to adopt another agency's CE. This is so new it may have actually technically not happened yet, so, you wouldn't have had a chance to see it, but today through a Federal Register notice, DOT has adopted the Department of Energy's categorical exclusion on EV charging stations.

That's one example, of course, and maybe it's closer to some Members' priorities than others, but it's one of the first adoptions of another agency's CE using that capability, and certainly envision other areas where that can be possible, and the spirit of that One Federal Decision concept, and we're committed to looking for other places where it's appropriate to use that possibility created by the Fiscal Responsibility Act.

I think another thing that will be important, and this is part of what's at stake in some of the technical assistance work that we do, like Thriving Communities, is for us to accept some level of responsibility for a project sponsor's ability to get through the NEPA process, and what I mean by that is I think sometimes there is an understandable but unhealthy tendency on the Federal side, if there's a step in the process taking too long, and it's because the project sponsor is struggling, to say, well, that's not our fault,

that's their fault, so, it's going to take however long it's going to take.

I want to make really sure that in addition to mastering any process we can do more quickly or more efficiently, that if something in NEPA is taking longer than it should because it's something that rests with the State, the city, the airport, or whoever it is, that we work with them to try to get through it, and have a proactive sense of our own responsibility, even if it's on them to get the right information or to be compliant, that it's on us to help them see their way to it, and I do think those TA resources—and we could be in dialogue about beefing them up, but we've got a lot to work with in IIJA. It could be put partly toward that use.

Mr. JOHNSON OF SOUTH DAKOTA. Thank you very much. Mr. Chairman, I yield back.

Mr. GRAVES OF MISSOURI. Mr. DeSaulnier.

Mr. DESAULNIER. Thank you, Mr. Chairman. First, Mr. Secretary, I want to thank you about the work you've done on aviation safety. Sometimes I've been critical of the FAA in that process.

It was never directed. It was complementary to the work you're trying to do, and I hope you took it that way, and in that regard, the great work that this committee did on the leadership of the chairman and the ranking member to get reauthorization out has a lot of component parts that will help with that, aviation safety, and I hope you can help us get that to the President's desk.

I also want to thank you—I have heard a lot of comments about people asking you to come to their districts—thank you for coming to my district to look at the GoMentum Station at an old Naval weapons station. We are very proud of that. The Contra Costa Transportation Authority and the California Transportation Committee are working with the auto industry to look at best technology and self-driving cars and reduction in pollution, including carbon.

When you came, you couldn't have missed, I don't think, the heavy fossil fuel footprint in our area. There are five refineries in that area. The headquarters of Chevron is in that area. The CEO is a constituent. But we are doing great work to the conversation about whether this is an either/or conversation about energy. And I loved your analogy about the historical aspect. Henry Ford said then, his great quote was, our job is to produce an affordable car, high-quality car, at an affordable price, with the highest possible wages. Which is interesting, given what is going on right now.

But also part of that is gas stations weren't electric charging stations or fuel cell stations. But if you read David Yergin, which I think every person on this committee and the Energy and Commerce Committee should at least spend 10 minutes on the history of this, is John Rockefeller just didn't create gas stations all over the country. The analogy to the infrastructure, although different, is a telling story.

So, in that, again, I want to mention that I was able to get grants, and thank you and your regional office, for safe communities, which are all tied into smarter mobility. So, when we talk about this and the historic infrastructure in the infrastructure bill and the Inflation Reduction Act, \$380 billion. I represent an area that, in addition to the other things, we have three national labs.

An original one, one of the originals, at Berkeley, two at Lawrence Livermore. People at MIT would argue this, but the best transportation research school in the country at Berkeley and one of the best at Davis. We are transitioning this.

So, in our area, we are a model, where the workers at those refineries are working with the environmental community to transition, knowing that we are at a pivot point, just like the early 1900s. It is pretty clear that the investment community is going in that direction. The Chinese and, as you and I have talked about in the bill that we were able to get incorporated into the Inflation Reduction Act, the Clean Corridors Act, they are creating 100,000 charging stations and fuel cell stations a month. Yes, they are hedging their bets.

So, in that context, the interagency working group and the White House has been terrific. Sorry that Gina McCarthy left. Secretary Walsh also came out to our district to talk about this transition. It's not an either/or. And the marketplace is speaking. It's changing. It's more efficient. There's a higher return on investment. And there is a similar challenge, as we had with fossil fuel.

So, how are you working to make sure that we are doing this thoughtfully? Last time you were here, I mentioned that we should go where the early adapters are. We shouldn't leave people who are fighting us and creating friction behind, but we know where the cars are being sold. They are being sold in San Francisco, in Austin, in Boston. The car companies tell you that's where the market is. So, we put the infrastructure there, and we can show the rest of the world that this is where the future is.

So, how are we working within the administration, continuing to work, both at the Federal level and at the State level and at the local level, and you have mentioned this a little bit, to make sure we integrate this historic change so it works for everybody?

Secretary BUTTIGIEG. Well, thanks. And I want to really identify with the point you are making about the complexity, the balance, and the sheer length of time associated with even the most rapid scenarios for these transitions to play out. And what it means is that we have to be intentional about supporting American workers, American consumers, and these American transportation sectors, as many of these different modes of powering our travel coexist.

Novel propulsion for aircraft that doesn't involve burning some kind of fuel is well more than a decade away. Even our ambitious timeline for EV adoption estimates that we hope to get to half of sales at the end of this decade being EVs, which means the other half won't be. And so, we have got to be ready to serve and support vehicles of all kinds while not allowing any of these transitions to be only beneficial to those who have the means to be those early adopters. The early adopters can pave the way, but you shouldn't have to be wealthy to afford to, at the end of the day, save money through something like EV ownership.

That's where I think we stand to gain, not just from the policies that we have implemented with support from Congress on the IRA and the infrastructure law, but the kind of research you are describing at these great academic institutions, who ultimately get us a great return on investment by sometimes discovering some innovation, some piece of technology, could be an update to battery

chemistry, could be a more efficient material that could dramatically lower the cost of these kinds of transportation assets or transitions that we know we need.

Mr. DESAULNIER. Thank you. I yield back, Mr. Chairman.

Mr. GRAVES OF MISSOURI. Mr. Massie.

Mr. MASSIE. Thank you, Mr. Chairman.

Secretary Buttigieg, in addition to sitting on this committee, I serve as chair of the Subcommittee on the Administrative State, Regulatory Reform, and Antitrust within the Judiciary Committee. You said on CNN, I believe, that, quote, "The Department of Transportation has generally not gotten involved in these merger cases, but that's changing today." Was that statement in reference to the JetBlue-Spirit merger?

Secretary BUTTIGIEG. Yes, partly.

Mr. MASSIE. It troubles me somewhat, as being on the Subcommittee on Antitrust within the Judiciary Committee, because the DOJ is already reviewing airline mergers to see if the mergers are anticompetitive. And it seems like a waste of resources for two agencies to duplicate work. But I am worried that's exactly what is happening if DOT and DOJ are going to review the same merger. So, do you think that the DOJ and FTC for that matter are unable to review mergers and protect American consumers?

Secretary BUTTIGIEG. No, of course not. The way the division of labor works is that we have distinct but sometimes overlapping authorities. And so, as is often the case when we have different parts of the interagency dealing with the same issue, we seek, to the extent that it is statutorily appropriate, to coordinate. I am going to be limited in how I talk about this because, of course, this is an open proceeding. But what we are trying to do is stand with DOJ, align our authorities where they cover the same turf, but also recognize that, with regard to our, in my view, too long unused authorities around public interest, that we are also ready to activate those, especially because depending on how the DOJ side goes to disposition, it might compel us to take other steps. Again, I do not want to get into the case too much, but depending on what is appropriate.

Mr. MASSIE. Do you agree that they are the only ones who should be evaluating whether this is anticompetitive or not?

Secretary BUTTIGIEG. Do I agree that the DOJ—

Mr. MASSIE [interrupting]. You said that you both have some authority here, but you didn't want to duplicate it. And their main authority and responsibility is to decide if this merger is anticompetitive. You are not seeking to relitigate that, are you, after their decision?

Secretary BUTTIGIEG. Well, again, we are trying to work with DOJ to the extent that is appropriate. And then we have our own responsibilities that are separate.

Mr. MASSIE. So, they have a standard for anticompetitiveness. What is your standard or principles, the limiting principles of whether this is in the public interest?

Secretary BUTTIGIEG. Well, again, let me take care to caveat that I am not commenting on the open proceeding—

Mr. MASSIE [interposing]. Right, I am talking generally.

Secretary BUTTIGIEG. So, it really follows from what the law calls for. And again, there are really two sides of this. So, there are DOT's responsibilities and authorities with regard to competition policy that are laid out specifically in the law, even though they haven't been used very much. And then there is also, in addition to the Clayton side, there is the public interest responsibility that we have that is somewhat distinct and will have to follow a distinct rubric from what is applied in the jurisprudence you have had around competition on the DOJ side up until now.

Mr. MASSIE. Can you give me some examples of things that might run afoul of public interest that are not in the domain of DOJ's responsibility to determine whether it is anticompetitive or consumer welfare benefit?

Secretary BUTTIGIEG. I think if I tried to get into hypotheticals, it would be at risk of being perceived as prejudicing this case. But what I will say is that the law is written differently with regard to our competition authorities, creating an overlapping, not identical, but also not simply parallel authority.

Mr. MASSIE. The reason we have questions here is it has been about three decades since somebody said a statement like yours, that leads us to believe you might be relitigating some of the things DOJ is doing. So, I am looking for the limiting principles.

Secretary BUTTIGIEG. Yes, so, again, I don't want to make case law on the fly here. But we have a responsibility to review the public interest associated with these competitive dynamics that was entrusted to our Department basically as a condition of deregulation. At the time of deregulation, it was confidently pronounced that we would go into the future with dozens if not more than 100 competitive major airlines. As you know, we are, depending on how you count, down to four or five.

So, we know that there is something in the way that this has been practiced over the decades that is, at the very least, out of alignment with what was expected as an outcome of regulation. And that is why we think following the law as written, we have a responsibility to get more involved.

Mr. MASSIE. I've got 3 seconds left. I appreciate that answer. I have a real quick question. Tesla spent billions of dollars on a charging infrastructure, and now the Government says they are going to do the same thing. What is it going to cost the Government to do this? And doesn't it disincentivize private investment when the Government comes along and says we are going to create these chargers? What incentive does Tesla have to do it anymore?

And when will there be enough charging stations available nationally that no family will again be prohibited access from one of these chargers due to a Cabinet member's promotional tour?

Secretary BUTTIGIEG. What's great about Tesla's decision is that they are opening their chargers to not be a walled garden but to be available to other vehicles, too. We welcome that. But even that built infrastructure alone of Tesla's, which is remarkable, is not on its own enough to meet the national charging demands of the country.

The simple answer to your question of how much is that we have \$7.5 billion going against this goal as provided by IIJA. But the other thing I would point to is that there will be gaps in areas that

it might not be profitable yet for a company to install a charger. And I would point here to rural areas or low-income areas as an example, where we want to make sure we accelerate that process. And so, that is why we think it's appropriate and important to introduce those Federal dollars to speed up that process alongside the private-sector dollars.

And it's going to be a race. And getting to that 500,000 chargers that the President envisions by the end of this decade will require both those installed with and those installed without Federal subsidies to move at a really fast clip.

Mr. MASSIE. My time has expired. I don't think there should be a race between Government and private enterprise—

Secretary BUTTIGIEG [interrupting]. Oh, it's not a race between us. We are racing in the same direction.

Mr. MASSIE. And I yield back.

Mr. GRAVES OF MISSOURI. The legend, Mr. Carbajal.

Mr. CARBAJAL. Thank you. Thank you, Mr. Chair.

Secretary Buttigieg, before I get to my questions, I want to commend you and the Biden administration for getting the Bipartisan Infrastructure Law funding out the door quickly. Certainly the Bipartisan Infrastructure Law represents the largest Federal investment in infrastructure in many decades.

In my district alone, this has translated to over \$500 million to date for nearly 100 projects throughout the Central Coast. And airports in my district have received more than \$19.5 million through the Federal Aviation Administration.

I recently had the opportunity to tour some of the airports in my district to highlight this funding and all that the funding will be able to achieve. And they have shared with me that this will make, certainly, a big difference. However, they have also highlighted significant challenges with PFAS, forever chemicals, and pollution.

As a result, I recently introduced two bills aimed at helping airports successfully transition from old firefighting foam containing PFAS to alternative products that will be much safer for our environment and first responders. Now that there is a product officially listed on the qualified products list, I have a two-part question. What role will the Department of Transportation play in helping airports successfully transition to this new product? And what can Congress do to help?

Secretary BUTTIGIEG. Thanks for the question. And this is a very important issue that we hear about in so many communities. To answer the first part of your question, the FAA highly encourages airports to transition away from firefighting materials that contain PFAS, to reduce the potential human health and environmental impacts that come from that contamination.

Earlier this year in May, the FAA published the Aircraft Firefighting Foam Transition Plan to ensure the orderly transition and to develop that did a lot of work with critical stakeholders and formed fluorine-free foam transition working groups to assist with the development of a national transition plan for part 139 certified airports.

We are also going to continue working with DoD, which, of course, has its own lines of effort with regard to this. And we are going to share with the airport operators any best practices that we

develop on that side, and to help the ARFF, the aircraft rescue firefighting personnel, we are developing a training handout, video, other information depicting tactics and techniques for utilizing these materials.

As to the second question, we welcome any help from Congress in addressing this issue, because it is something that is needed, it is urgent, but represents a sea change in how firefighting has been handled at aviation facilities.

Mr. CARBAJAL. Thank you. On August 14, OMB issued revised guidelines or guidance on the implementation of Build America, Buy America. I appreciate that OMB followed the law and listened to concerns raised by me and many of my colleagues to ensure that guidance will not hinder any shovel-ready projects. The compliance date is fast approaching, as all impacted projects have to be completed by October 23.

Could you talk about how DOT is working to implement the BABA provisions and working to ensure clear guidance is provided to State DOTs and other partners to ensure a seamless transition and ensure that we prevent delays and confusion on the ground?

Secretary BUTTIGIEG. Thanks. We want to make sure there is clear, consistent, and predictable information when it comes to Build America, Buy America provisions. And what we have been focused on is reviewing the general applicability waivers that aren't product specific, some of them that have been around for decades without being thoroughly reviewed, and also looking at some of the more specific cases that come up that really vary by industry.

With regard to chargers, for example, in February, the Federal Highway Administration issued the Build America, Buy America implementation plan, and then in July issued Q&As to get information to project sponsors that are facing these issues right now.

We also in August did issue a public interest waiver for de minimis costs and small grants, trying to balance our very important policy aims with common sense.

Then there is the OMB guidance that you mentioned with the general effective date of October 23 of this year. In it, OMB states it is going to issue an updated guidance memorandum prior to the effective date, so, that will come from OMB. But then the Federal Highway Administration will use that guidance that comes from OMB to make sure that we push that out in our own Q&As so that our project sponsors get the information that they need about how that affects anything that touches Federal highways.

Mr. CARBAJAL. Thank you. I look forward to you coming to my district.

Secretary BUTTIGIEG. Me, too.

Mr. CARBAJAL. I have asked many times. But I know you will find some time to come in the near future.

With that, Mr. Chair, I yield back.

Mr. JAMES [presiding]. The Chair recognizes Mr. Webster.

Mr. WEBSTER OF FLORIDA. Thank you, Mr. Chairman.

Mr. Secretary, if we continue on with what Mr. Massie was talking about with the JetBlue-Spirit merger: In March, all of my colleagues in Florida and I sent you a letter, and to the Attorney General, urging you to approve the JetBlue-Spirit merger. Since that

time, you have made some public statements that have been complimentary towards DOJ and their challenge.

In Florida, JetBlue is legally binding, has made some commitments to the Florida attorney general, to grow flights of this combined airline 50 percent throughout our State. The agreement also requires employee growth, including 2,000 new jobs. Current employee numbers of both airlines will also be retained, and 1,500 jobs currently outsourced would become Florida jobs.

I just say, please be mindful that the State with the most overlap of the two carriers is overwhelmingly supportive of the agreement of the merger.

So, do you have any comments about the pending matter? Or can you make comments on the pending matter?

Secretary BUTTIGIEG. I need to be careful in commenting about it because it is an open process. But what I would take care to emphasize is that any time we consider how to apply our competition authorities in aviation, it is with a view to making sure that we are preventing unfair methods of competition and that we are benefiting the public interest. Whether we are talking about just the cost of air travel, airfares themselves, or whether we are talking about the customer experience.

It is critically important, especially in an industry that has a lot of factors that make it different from an easy textbook competitive market, that there be strong regulatory attention. There are barriers to entry, switching costs, returns to scale, all of which can make it harder for there to be fair competition.

We are not rooting for or against any company, and we certainly are always happy to see the American aviation sector thrive and its firms and its employees thrive. We just want to make sure that we are doing our job as a watchdog, so that no unfair methods of competition or developments that are against the interests of passengers emerge in a way that is inconsistent with the law.

Mr. WEBSTER OF FLORIDA. Thank you.

Secretary BUTTIGIEG. And I am sorry not to get more specific, but I want to be cautious here.

Mr. WEBSTER OF FLORIDA. So, turning to the current discretionary process for the IJA, it is extremely time consuming and costly to States, at least from the State of Florida's perspective. Even if a State was awarded the agreement with the U.S. DOT, it would take over 1 year and sometimes up to 18 months. To date, the Florida DOT has, I think, entered into two agreements, two of the seven that they were approved for have been awarded, but no word on when they are even going to receive the money.

How can DOT make the process more efficient and effective, cost effective, for States?

Secretary BUTTIGIEG. Well, thanks for the question. It is a big focus on our part. We want to shorten the timeline between when we are able to give a State DOT or a city or a transit agency the good news that they got an award in a discretionary program, and the date that we can celebrate the groundbreaking and ultimately the ribbon cutting of that project.

And our aim is not only to—what we generally do, which is to clear the funds the moment it has been established that it is compliant with all Federal requirements, but to shorten the process of

establishing that in the first place. And we recognize the responsibility to create more user-friendly processes, to try to take steps and hours out of the process, provided we can do it in a way that doesn't undercut any of our policy responsibilities.

And we would be happy to follow up with you if there are any particular projects that it seems, in your view, need to get unstuck. But more generally, you have my commitment to continue working on this, because we want to get to those ribbon cuttings just as much as anybody.

Mr. WEBSTER OF FLORIDA. As a followup, have you considered possibly eliminating the discretionary grant process and just relying on some kind of formula funding of some sort?

Secretary BUTTIGIEG. We think there is a good reason why Congress has created two different tracks, the formula funds that go out by a mathematical rubric to the States and discretionary funds that allow us to weigh considerations that project applicants can bring forward that maybe don't show up in the math.

Now, don't get me wrong, we still have a very methodical approach driven by staff and connected to objective criteria to do that. But at the end of the day, many of these programs are oversubscribed by as much as 10 to 1. And in the difficult work of identifying the winners, we really want to make sure that we are doing right by the qualitative as well as quantitative——

Mr. JAMES [interrupting]. Thank you, Mr. Secretary. The gentleman's time has expired.

The Chair now recognizes Mr. Stanton.

Mr. STANTON. Thank you very much, Chairman. Mr. Secretary, thank you, and thank you for your leadership in making sure the historic investments under the Bipartisan Infrastructure Law reach communities across Arizona.

Every corner of Arizona is benefiting from these investments. My district is no exception. More than \$220 million has been allocated to reconstruct and expand the I-10 Broadway Curve, one of the most heavily trafficked sections of freeway in our region. This project, which runs right through my district, will enhance safety, reduce travel times, increase access to our largest employers, and support our growing population.

And at Sky Harbor Airport, a \$194 million investment is underway for a new taxiway to help us grow smarter and provide us with the capacity to operate this three-runway airport as if it had four runways.

This is why this investment matters so much. That's why the Bipartisan Infrastructure Law matters so much. Without it, we couldn't get these projects done, period. Even with these significant investments, there is still more work to be done and projects that need Federal support if they are to become a reality.

And one of those is the expansion of I-10 in Arizona. Arizona has invested wisely in widening the I-10 because it is a major artery for passenger and freight traffic in the southern United States. And while a majority of the I-10 between Phoenix and Tucson has been widened, there is one significant gap that remains: only two lanes, and it lies wholly within the boundaries of the Gila River Indian Community.

I doubt it would surprise any of us that the improved portions of the I-10 end at the reservation boundary and pick up on the other side of the reservation boundary, because for decades, centuries even, Tribal governments have not been treated equitably as partners in Federal transportation programs.

Widening I-10 and adding an interchange is vital to improve safety, provide direct access to the Gila River Indian Community's government services and hospital, and accelerate response times for emergency services. And it will prevent traffic from detouring onto the reservation when bottlenecks or accidents close or otherwise restrict traffic.

To complete this expansion project, the Gila River Indian Community and the State of Arizona have formed a unique partnership to plan, design, and widen this last section and connect the community to this vital economic artery. I am not aware of any other joint Tribal-State partnership like this anywhere in the country that addresses an infrastructure project in such a collaborative way.

While significant non-Federal resources have been committed to this project, we simply can't do it alone. Federal assistance is required to make it a reality, assistance that directly benefits a historically disadvantaged community and helps to fulfill the administration's commitment to direct 40 percent of the infrastructure dollars to historically disadvantaged communities like Gila River.

This leads to my question for you, Mr. Secretary. Can you tell me how the Department is considering the President's Justice40 initiative as it considers projects such as this one that directly benefits the Gila River Indian Community for infrastructure funds, including under the competitive programs like Mega and INFRA?

Secretary BUTTIGIEG. Thank you for the question, and I have certainly heard from both you and from the Gila River Indian Community about the importance of this project. And in that context, I want to emphasize our commitment to the Justice40 principles that we will do right by those overburdened and underserved communities that often stand to benefit the most in terms of safety as well as economic outcomes from good infrastructure investments. So, that is certainly something that we have sought to be as transparent as we can about in terms of how it is incorporated in the Notice of Funding Opportunity, so project sponsors understand how to put their best case forward. And if a Justice40 criterion helps them make their case, we certainly welcome that and are looking for that in the process.

Mr. STANTON. That's great. In the recently passed FAA reauthorization bill, passed by this House unanimously in a bipartisan way, it included the Drone Infrastructure Inspection Grant Act, better utilizing drones to save dollars and more safely inspect important infrastructure around the United States. And fortunately, we want to do more with drone inspections for infrastructure. We don't want to get caught up in redtape.

Mr. Secretary, can you commit today to the committee that the FAA will take action to enable low-risk, high-value drone infrastructure inspections this year, actions such as summary grants or predefined risk assessments consistent with the FAA's safety and environmental goals?

Secretary BUTTIGIEG. I will commit to speaking to the FAA about how to make sure that process is prompt, consistent of course with our responsibilities, but also not holding back innovations that could make a positive difference.

Mr. STANTON. And as a former mayor, give me your thoughts about how this committee can better provide State, local, and Tribal governments with the resources and trained professionals to operate infrastructure inspection drone fleets like what would be accomplished by the Drone Infrastructure Inspection Grant Act?

Secretary BUTTIGIEG. Well, I have had the pleasure of visiting some projects and programs that are training the next generation to be capable in operating and sometimes even building or maintaining drones. We need, I think, to double down on that. And I think that's a legitimate—to the extent statutorily authorized, I think it is a very—philosophically, I think it is a very legitimate use of transportation dollars, and we would welcome a chance to work with you to specify more resources to go toward that purpose.

Mr. STANTON. Thank you, Mr. Secretary. I yield back.

Mr. JAMES. The Chair, who represents the 10th Congressional District of Michigan, recognizes Mr. Graves. Thank you.

Mr. GRAVES OF LOUISIANA. Thank you, Mr. Chairman. I appreciate it.

Mr. Secretary, thank you for being here. Good to see you again. And I appreciate you spending time with us today. I understand a number of my colleagues have grilled you on criteria related to grants, and I am not going to rehash it all. But I will just go ahead and say I think it is really, really important, as you and I have discussed in the past, that the criteria that actually advances the mission of the Department of Transportation in regard to addressing traffic solutions and others need to be the priority of criteria that are used. I am concerned that there have been new criteria that have been introduced that is outside the confines of the law that I think distorts the awarding of grants. And of course, an example of that: The State of California has received about 17 percent of all of the grants under the discretionary programs. And obviously, that figure is very high. And I am concerned about the direction or just how the, I guess, lack of criteria or lack of specificity in some of the criteria allows for a distortion in terms of where some of these grants go.

But more importantly, because I know you have covered this a good bit today, Mr. Secretary, I wanted to talk to you about a somewhat related topic. And that is my home State of Louisiana. We are out here trying to build infrastructure projects. And like many States, and I know you have talked about this, the underinvestment in infrastructure that has happened for decades and decades.

We, in the last 5 years or so, have been able to pull in some dollars on projects that have been neglected for decades. One of them, a really important project at home, it is called the Comite project, and this is a Corps of Engineers project outside your purview. But it is a really important message here. The project costs went from \$342 million to \$970 million.

We have another project that's down just outside New Orleans called the West Shore project. That one went from \$760 million to \$3.7 billion.

My point here is that when you look at everything that has been done under this administration, whether it's the American Rescue Plan, which was nearly \$2 billion; the CHIPS Act, hundreds of billions of dollars, while a laudable goal in that case, it became way too expensive and ancillary things added to it; the Inflation Reduction Act that I think got way out of bounds distorting economics in regard to energy investments, and we are now seeing 40 percent higher energy costs for Americans; and which one am I missing? IRA, CHIPS, ARP. Oh, and of course, IIJA, one of your favorites.

And so, and I heard during IIJA debate and of course it being signed into law, all these people celebrating the increase in investment. Mr. Secretary, if project costs are tripling, as in two cases of the projects that we are building right now, and I didn't go cherry pick, those are the projects. I can go through and find probably 10 transportation projects that have more than doubled, and this isn't me cherry picking either. So, it's hard for me to understand how this is a win with all of the other investments that were made, spending trillions and trillions of dollars that devalued the dollar, that have contributed to energy costs going up, and now we can't even build the projects we were building before. And the way I look at is any perceived increase in investment under IIJA is actually a decrease, based on what we are seeing at home.

And I'm curious if you care to reflect on that and what you are seeing across the country.

Secretary BUTTIGIEG. So, I think, first of all, the reality of the increase in project costs is real. It is a concern. It is one of the main threats to the successful implementation of this bill and something we think about every day.

I would challenge the view that anything we do to invest in the productive capacity of this country is necessarily inflationary and would suggest on the contrary that one of the things that creates inflationary pressure is sometimes a bottleneck or a deficiency in our built infrastructure that can only be addressed with good investment, when we are talking about the attention we are paying to ports or bridges or certainly things like rail infrastructure.

I view this as something where part of the return on investment comes in the form of reducing some bottlenecks that can in fact contribute to inflationary pressures. But I agree with you that the value of a project is not the dollars in but the outcomes.

Mr. GRAVES OF LOUISIANA. Mr. Secretary, I want to be clear, I agree that, and I don't want to be perceived as saying that we shouldn't make investments because it's going to cause inflation. Please don't interpret it that way.

I mean, look, Mr. Burlison wants a Ferrari, but he drives a Chevrolet. And in some cases, you've got to prioritize and make sure that you are truly spending what is appropriate and you are prioritizing the dollars.

Look, I just have a little bit of time left. And something else that I know you and I share concerns with is the FAA. We have seen a number of safety issues. Right now, we have 20 percent of the agency's leadership positions that remain vacant. I appreciate, as

you and I have discussed, the FAA nominee. But I am just curious if you could perhaps quickly reflect on the vacancies in the top positions.

Secretary BUTTIGIEG. Well, the most important way to address that, of course, is the swift confirmation of our nominees.

Mr. GRAVES OF LOUISIANA. Most of these are not confirmed positions.

Secretary BUTTIGIEG. Say again?

Mr. GRAVES OF LOUISIANA. Most of these are not confirmed positions.

Secretary BUTTIGIEG. That's right, yes. And, in addition to the people who have been performing sometimes in acting capacities, we have the confirmed positions, which I think ought to have a hand in shaping the leadership team.

But just to be clear, there are no empty chairs there. The work is getting done. At the same time, we would benefit from having confirmed or, where not confirmed, permanent people in each of their roles. We hope to have more announcements soon on that.

And, of course, in addition to that top group up there, we are also concerned about just making sure we fill those rank and file positions of the air traffic controllers, which is one of many reasons we are very hopeful that this Chamber can avoid a shutdown that would stop our training.

Mr. GRAVES OF LOUISIANA. I look forward to continuing discussions.

Mr. Chairman, thank you.

Mr. JAMES. Thank you, sir.

The Chair now recognizes Mr. Allred.

Mr. ALLRED. Thank you, Mr. Chairman. And, Mr. Secretary, good to see you again. Thank you for being here.

I want to thank you for being what I consider to be an incredible partner for the passage and now implementation of the historic investments included in the Bipartisan Infrastructure Law. Your leadership has been vital in ensuring that we are able to get funding out into our communities and to finally take action to repair our Nation's crumbling infrastructure.

One project of many that I can pick from that I would like to highlight is the Federal Transit Administration's recent award to the Dallas Area Rapid Transit system, or DART, in my district. This \$103 million grant will allow DART to modernize its bus fleet, replacing 186 of its oldest buses with new, low-emission buses. That's a big deal for our community.

These kinds of investments were made possible by the IIJA. They are helping DART and other transit agencies in our communities modernize and upgrade their services to keep our cities healthier and thriving for generations to come. And I want to thank you and your agency for working with Congress to implement the funding for this historic investment.

And I want to discuss a project that I think has great economic and connectivity benefits for my State: high-speed rail, particularly the project connecting Dallas, Fort Worth, and Houston. I was glad to hear of your support earlier in this hearing, but I would like to give you an opportunity, if you would, to expand on some of the

benefits that your Department believes these kinds of projects can bring to the country.

Secretary BUTTIGIEG. Thanks for the question. And let me echo our congratulations to DART in your district on successfully competing for and winning that grant. I know you are a strong advocate for those funds to be put to use there.

When it comes to high-speed rail, we see benefits in terms of economic development, in terms of safety, in terms of emissions. And I think that there are many geographies around the U.S. that are especially suited to this. And again, I am going to have the caveat that I am not commenting on any ongoing application process.

But when you consider how Texas has population centers and major global cities not that far away from each other, you can see how there is a compelling use case for passenger rail in general and high-speed rail in particular. And I have had an opportunity to speak with and meet some of the people involved in the technologies that would be put to use in that proposal, and think, as I believe in high-speed rail generally, certainly believe in the Texas case, that for many Americans, seeing would be believing. And experiencing that value being created on American soil would create that much more appetite to further develop a genuine national high-speed rail in the future.

Mr. ALLRED. I agree. And I just want to point out for folks that this line would connect the fourth largest metro area in the country, in DFW, with the fifth largest metro area, in the Houston metro, two areas that account for about half of the population of the State of Texas, and about half the economic output of the State of Texas, and that are predicted to grow by nearly 50 percent by 2045. So, we have to provide more options for getting around. But it would also be reliable, safer, faster in most cases and, as you mentioned, environmentally friendly.

And I think that the time for investments in these kinds of projects is now. And if you recall, House Democrats in 2021 provided \$10 billion in funding for high-speed rail projects. I just wonder how can we work with your Department to ensure that we are providing sufficient levels of funding for these projects as we continue to implement the IIJA?

Secretary BUTTIGIEG. Well, the IIJA provided, especially through the Fed-State partnership, the means to introduce high-speed rail or accelerate it in places where we don't have it. It did not though, honestly, contain enough funding for a full national high-speed rail network. There's a lot of work we have to do just to take care of what we have got in our nationwide freight and passenger rail network.

But I believe that there are the means within IIJA to fund more than one high-speed rail project with this authorization, in the 5-year life of this bill. And I think that the success of those projects will be an important part of how future potential investments could be justified.

Mr. ALLRED. Well, in the time I have left, as you know, I have American Airlines and Southwest Airlines headquartered in my area. And I just have to note how critical it is that we continue to make progress addressing the shortage of air traffic controllers. I want to thank you for your work in that regard and your Depart-

ment's work in that regard, and just stress how critically important it is that we get the FAA reauthorization across the finish line and avoid what I think would be a disastrous shutdown. That is not a question for you, sir; that is just something I want to put on the record and say for my area and for our economic outlook, for the thousands of jobs that are relying on it, it is critically important. So, thank you for being here.

I yield back.

Mr. JAMES. Thank you, Mr. Allred.

The Chair now recognizes Mr. Van Drew.

Dr. VAN DREW. Thank you. Thank you, Chairman.

Mr. Secretary, welcome. Are you familiar with the William J. Hughes FAA Technical Center in southern New Jersey?

Secretary BUTTIGIEG. Yes. I haven't had the opportunity to visit, but I'm certainly aware of it, yes.

Dr. VAN DREW. Good. I hope you do visit sometime.

For those who don't know, the FAA Technical Center is critical to national security. It supports our national airspace and traffic control systems. It also conducts classified research. In fact, I recently toured it again and learned that this secure facility blocks not millions but billions of cyberattacks every single day, most of them through China.

Through the technical center, the FAA owns and manages a large campus in South Jersey. The FAA campus includes the Atlantic City International Airport.

I am personally deeply alarmed by the administration's plan to use the FAA campus to house thousands, up to 60,000, illegal immigrants in a town that only has 50,000 residents. In August, the Department of Homeland Security recommended that the Atlantic City Airport be used to house up these 60,000 immigrants from New York City.

First of all, the Atlantic City Airport is an unacceptable place to house these people. There are no services or infrastructure at the airport that could possibly support this. Logistically, it is a poor concept.

Further, the Atlantic City Airport is surrounded by facilities critical to national security. Besides the technical center, the 177th Air National Guard uses the airport to defend Washington, DC, and New York City from attack, the first defense, rapid response. These facilities cannot be compromised.

Atlantic City Airport was recommended for migrant housing because it is part of the Federal FAA campus. It is Federal. Decisions about the use of this property, Mr. Secretary, ultimately fall to the Department of Transportation. This is your responsibility.

A question. Was the Department of Transportation consulted in the process of DHS recommending the Atlantic City Airport as a migrant housing site?

Secretary BUTTIGIEG. I would have to check the record on that. What I would tell you is that generally a recommendation is not the same thing as an outcome or a policy. And so, developing a list of potential sites is not necessarily something that is within FAA authority, even though ultimate clearance of something like a non-aviation use on an airfield is something that would have to come through FAA channels.

Dr. VAN DREW. And I understand that. But it scared the day-lights out of people. If a city of 9 million people is having trouble dealing with all of this, how would a town, a semi-rural town of 50,000 people do? It was on the list, as well as some others were on the list. But it concerns us greatly. I would appreciate if you would look into it, and I would appreciate if you would get back to me.

Secretary BUTTIGIEG. We will make sure to do so.

Dr. VAN DREW. And I am going to ask a commitment that I hope that you can make, that you would not allow the Department of Homeland Security to use this facility for that purpose.

Secretary BUTTIGIEG. I don't oversee the Department of Homeland Security, but you certainly have our commitment that all FAA facilities and any facility under our jurisdiction will always be secure.

Dr. VAN DREW. I hope so.

I hope that once we resolve this, in fact, that we can move on to strengthening America's aviation system. The United States of America is at a pivotal moment for aviation. Our infrastructure is on the brink of failure in many cases, with thousands of flight delays, dozens of near-misses every year. In January, unprecedented since 9/11, we had to ground all flights for the first time. I am seriously concerned. We need to do better.

I also, in my travels, visited one of the traffic control towers at Atlantic City Airport, and I think it is finally going to be replaced. But interesting to me, with all the money that we spend on things, they are still using floppy discs via 1993. I mean, that is unconscionable.

We need to have the best air traffic control system in the world. We need to have the best airports in the world. This is the United States of America.

So, can you identify steps you are taking to improve our aviation system from safety and efficiency to the traveler experience, secondly, and to new technology, third?

Secretary BUTTIGIEG. Absolutely, and I really appreciate the question. Let me break it down as quickly as I can into the component parts of the question.

With regard to traveler experience, we have overseen what I believe is the biggest expansion of passenger rights in decades. Just over a year ago, not 1 of the top 10 airlines guaranteed in writing that if you got stuck, you would be guaranteed hotel accommodations, meals, vouchers for ground transportation, anything like that. Now, nearly all of them do. We have secured, or encouraged with our enforcement actions, leveraging some \$2.5 billion in refunds getting to passengers. And we are underway on rules for things like not having to pay extra when you are sitting next to your kids.

With regard to the physical infrastructure, we are putting the funds in the IIJA to work. But like you, I am concerned about the state of play in terms of the progress toward modernization and the adoption of needed technologies in the FAA. The only thing that I think is harder than a multibillion-dollar IT project is a multibillion-dollar public-sector IT project. So, that is—

Mr. JAMES [interrupting]. Thank you, Mr. Secretary. The gentleman's time has expired. The chairman now recognizes Ms. Davids. Secretary BUTTIGIEG [continuing]. [Inaudible] what's so important about reauthorization—

Dr. VAN DREW [interrupting]. Thank you, Chairman. Please look into the FAA. Thank you.

Ms. DAVIDS OF KANSAS. Thank you, Chairman. And thank you, Secretary Buttigieg, for taking the time to come over and testify and share the work you are doing with us today. I know that to date, we have seen \$2.3 billion in Bipartisan Infrastructure Law funding being announced, and that money is headed to Kansas, with more than 228 specific projects identified for funding. That includes more than \$10 million to help the Kansas City Area Transportation Authority transition to electric buses that are going to lead to cleaner, healthier transportation for the entire Kansas City metro area. I know you have seen some of that in person.

Since the law passed, \$1.4 billion has been allocated for transportation in Kansas for roads, bridges, public transit, ports, airports, and then another \$194 million has been announced for clean water.

Our State, the State of Kansas, has received \$451.7 million to connect everyone in the State, including rural parts of the Kansas Third Congressional District, to reliable high-speed internet. And that is more than 118,000 Kansas households that are already saving because of their internet bill being lowered thanks to the bipartisan infrastructure bill. I mean, these are real savings for Kansas families. And particularly for folks who are working hard to manage their budgets.

There is also a whole new world of—we saw this because of the pandemic—of our hospitals and healthcare leaning into things like telemedicine, and our entrepreneurs are trying to get their businesses up and going. But I do think when we look back, when history is written about this time and we examine the long-term impact of the Bipartisan Infrastructure Law, it is going to be judged on some of these significant Federal investments, particularly when it comes to transportation and infrastructure. And I am not just saying that because I am an infrastructure nerd. I am saying it because we know that it is not just dollars and cents we are talking about.

So, I first, of course, want to say thank you for—we have heard about a number of different projects, grants, and particularly for those in Kansas that are getting into communities from Osawatomie to Overland Park.

I am hoping to hear a little bit about how you are viewing that disbursement process. Because I think we know that the bread and butter of this stuff is going to be in the implementation. And so, I am hoping to glean a bit about how that is going from you.

Secretary BUTTIGIEG. Thanks for the question. It is at the heart of what we think about every day. We are trying to build good things well and promptly, while meeting all of the policy and legal requirements that are attached to these projects. One way to think of it is, if our first year was about the bill passing and the second year was about the programs launching, this is about the money moving so we can get the dirt flying. That is really what we are focused on in this third and fourth year.

And we are working to strike the right balance between making sure the process is rigorous enough and has the right kind of oversight, including our direct oversight, oversight from our inspector general, and of course oversight from Congress, and at the same time not adding so many conditions and complications to the process that it slows us down. It is not unusual for it to take a year just from an award announcement to a grant agreement, and that is just one step in getting a project done. We want to compress that timeline without leaving out any important steps.

I think we are off to a good start. I have been pleased to see the way project sponsors have rallied to be ready for the dollars coming their way. But we are also putting dedicated staff, time, and attention to how to work with those project sponsors, identify issues as they come up, provide technical assistance for navigating our own processes, and make those processes simpler in the first place.

Ms. DAVIDS OF KANSAS. I appreciate particularly the acknowledgment of having to get the program stood up and also that we need to get these projects moving as quickly as possible, and that we have now entered into that phase of efficiently and effectively getting the disbursement of funds.

The last thing I wanted to touch on before you leave in my last few seconds here is an issue that I know I have brought up personally with you before, and it relates to the Bipartisan Infrastructure Law allocating \$1 billion for the maintenance, acquisition, and installation of aviation navigation aids—I am used to just saying nav aids—for small and medium-size airports that depend on these technologies for managing air traffic. These nav aids are operating—there are plenty of them that are operating well beyond their expected useful life, and parts are becoming difficult to source. And these systems need to be updated across the country.

And I just am flagging it because I would love for us to continue to look at this and make sure that we are committed to keeping our airspace the safest airspace in the world. And any new FAA leadership, once that process runs through, would love to make sure that our offices are working together on getting these nav aids upgraded and updated.

Thanks, and I yield back.

Secretary BUTTIGIEG. Thanks, and we welcome working with your office on that.

Ms. DAVIDS OF KANSAS. Thank you.

Mr. JAMES. Thank you, Ms. Davids and Mr. Secretary.

The Chair now recognizes Mr. Yakym.

Mr. YAKYM. Thank you, Mr. Chairman. Mr. Secretary, it is good to see you.

Secretary BUTTIGIEG. Likewise.

Mr. YAKYM. As you know, the Infrastructure Investment and Jobs Act or, IJJA, expanded discretionary grant funding by 500 percent. But as you and I discussed on a recent phone call, on a per capita basis, Indiana ranks dead last in being able to secure IJJA discretionary grants. And when I say dead last, I mean we are behind all of the U.S. Territories as well. That is tens or even hundreds of millions of dollars in forgone projects to improve Hoosier communities like your former stomping ground of South Bend, and across the entire State.

Can you assure me that you will work toward a more equitable distribution of IIJA discretionary grants?

Secretary BUTTIGIEG. Thank you. Yes, we want to make sure that every State, including Indiana, and your district, where I have spent the majority of my life, get a fair shake in these processes, and welcome opportunities to work with project sponsors who came close but didn't quite make the cut, on how to refine their applications for future rounds.

Mr. YAKYM. Thank you, Mr. Secretary.

This May, your agency was the victim of a hack, a cyberattack, that compromised personally identifiable information of 237,000 current or former Federal employees. At a June briefing in this room with your CIO, I raised specific questions about the DOT's cyber modernization plan, including what the plan is, as well as funding and staffing needs. Your CIO committed to providing this information, but yet over 90 days later, we haven't yet received it.

Can you commit to providing a written cyber modernization plan, budget request for additional resources, and an update on the DOT's response to this breach to this committee within the next 2 weeks?

Secretary BUTTIGIEG. Thanks. Our cyber activities with regard to the budget side will be contemplated within the President's budget request. As far as an update, certainly, we will work to make sure you get the information you need. I have been working with OCIO on not just a response to that particular incident but the outlook going forward. A lot of activity on this, and I want to make sure you and your colleagues are well informed on the progress there.

Mr. YAKYM. Great. Thank you, Mr. Secretary.

Turning to another topic, you help run the administration's Supply Chain Disruptions Task Force, is that right?

Secretary BUTTIGIEG. Yes, I am a member of that.

Mr. YAKYM. Great. Let's talk about drayage trucks, which haul shipping containers between ports, rail yards, and distribution centers. I think it is fair to say that these trucks are part of the linchpin of our Nation's supply chain. Do you generally agree with that?

Secretary BUTTIGIEG. Absolutely.

Mr. YAKYM. In that case, I want to flag something for you that seems like a major supply chain disruption that's brewing. Beginning January 1 of 2024, in just over 3 months, California will require drayage fleets to purchase only zero-emissions trucks.

Let me ask, do you know how many zero-emissions Class 7 and 8 tractor-trailers, or excuse me, tractor trucks and terminal tractors were on the roads statewide in California at the end of 2022?

Secretary BUTTIGIEG. I know this is a very new technology, so, you are not going to see a lot of them deployed just yet.

Mr. YAKYM. So, there were only—you are right, it is not a lot. It is 192 that were registered in the entire State, and they are all electric.

But the Ports of L.A. and Long Beach, two of America's busiest ports, require thousands of drayage trucks to move products through our supply chain. And an official in the port actually estimates that roughly 1,500 to 2,000 drayage trucks serving L.A. and Long Beach are retired every year.

Given that there are only 192 Class 7 and 8 electric trucks across the entire State of California, do you think that all 1,500 to 2,000 drayage trucks will be able to be replaced with electric vehicles next year per this new mandate?

Secretary BUTTIGIEG. So, as a Department, we have not created a formal assessment of whether the industry will be able to meet the compliance timelines set forth by CARB. But we certainly recognize that that represents an aggressive transition. We have been in dialogue with the port directors about the efforts to comply there.

I do think there's great opportunity for the EV use case in the drayage context, because you often have predicable, defined, and relatively short runs. But that doesn't mean all of that technology is immediately available and certainly something that we are monitoring. Though we don't have direct authority to tell the State what to do in that regard.

Mr. YAKYM. So, while we may not—the Federal Government may not have direct authority to tell the State what to do, this California mandate to move to zero-emissions vehicles with drayage trucks is a mandate that was enabled by a waiver from the Biden administration. Do you support that waiver?

Secretary BUTTIGIEG. Well, certainly we stand by any regulatory action we have taken in this regard.

Mr. YAKYM. And if we allow them to continue down that path, but the trucks simply aren't available, how does that help enable the supply chains that my constituents depend on?

Secretary BUTTIGIEG. Well, again, I don't have a formal assessment of how the compliance path is going. I know that it's going to require aggressive action. But I also know it's going to lead to fewer cases of asthma in and around those port communities, in addition to the other benefits that are going to come from that reduction in pollution. So, certainly there's an important policy goal at stake here.

We will do everything we can to support it being compatible with another important policy goal, which is smooth and effective supply chains in the U.S.

Mr. YAKYM. Thank you.

Mr. Chairman, I yield back.

Mr. JAMES. Thank you, Mr. Yakym.

The Chair now recognizes Mr. García.

Mr. GARCÍA OF ILLINOIS. Thank you, Chairman and Ranking Member. Secretary Buttigieg, great to have you here as we approach the 2-year mark of passage of the IIJA, and as you have rightly pointed out, the potential of a decade's definition of improving our infrastructure across the country. And I am proud to say that we are already seeing some of the benefits coming to places like Chicagoland, including Federal dollars to complete the Chicago Transit Authority's Red Line extension that was first promised to the far South Side of Chicago in 1969, when I was in seventh grade, and money for a rail grade separation project that will help make the suburban communities that I represent safer and more connected. And hopefully, more funding will be on the way as well. But we have still got a lot of work to do. And of course, this bill's historic potential becomes an inclusive, equitable reality.

Which brings me to my first question. Secretary Buttigieg, the Department of Transportation initially announced its proposed rulemaking to modernize disadvantaged business enterprises, or DBEs, and airport concession DBE regulations during the summer of 2022. However, the proposed rulemaking has not yet been finalized, rules that could make a real difference for small-, minority-, and women-owned businesses long excluded from the Federal bidding process, as we undertake this great venture.

When will the rulemaking on DBEs become final? We await eagerly.

Secretary BUTTIGIEG. Well, thank you. And I can assure you, so am I. This is a very important policy. It also represents the most comprehensive changes to date for the DBE program, making it easier for eligible firms to become and remain certified, expanding the pool of eligible participants, moving closer to nationwide reciprocity, simplifying the process. So, we are very close to being able to finalize that, and I am looking forward to sharing the good news when we are ready.

Mr. GARCÍA OF ILLINOIS. I hope it will be soon. What additional steps is DOT planning to take to help DBEs participate in infrastructure projects funded by IJJA? Will the Department of Transportation look at creating technical assistance programs for small businesses in the construction industry that focus on the industry's unique needs?

Secretary BUTTIGIEG. A couple things I would point to that I think will be helpful, in addition to the modernization of the DBE program. One is making sure there is better transparency and predictability in the flow of these projects as they emerge. Often, one thing that keeps incumbent firms sometimes able to box out competition is just a level of knowledge that we think should be transparent to all.

So, part of what our Office of Small and Disadvantaged Business Utilization, or OSDBU, focuses on with their—what I call their roadshow of connections marketplace events, is to try to make the right connections between where the work is coming from, who is in charge of it, which, of course, is often a body like the CTA, even if the dollars are Federal, and those DBEs that could be participating.

The second thing that I would bring to the attention of this committee is that we are being very intentional—I think and hope more intentional than ever—in working across the interagency to support this. So, I have hosted both the SBA's leadership and the MBDA's leadership, knowing that, sure, there are different departments—MBDA sits in Commerce, SBA is independent—but we all have the same goal, and we should be participating in the same events, reaching the same DBE community with all of these wonderful opportunities that are emerging.

Mr. GARCÍA OF ILLINOIS. I look forward to that.

Moving on to another topic, the Manual on Uniform Traffic Control Devices, which, as you know, influences street design across the country, the MUTCD hasn't been updated since 2009 and is outdated. Updating the MUTCD can help improve pedestrian and cyclist safety, advance complete streets, and promote the use of public transit. Many improvements have been suggested to make

that vision a reality. But earlier this year, the Federal Highway Administration missed its deadline to release a new edition of the handbook.

Mr. Secretary, why was the deadline missed, and what is the new timeline for the updated manual?

And what kind of major structural changes can we expect to encourage safer, more vibrant streets?

Secretary BUTTIGIEG. Well, as you know, because it provides national standards for traffic control devices, the MUTCD can almost have the force of law, even though it is not a design guide. And so, we recognize the importance of the MUTCD and the importance of an update to it.

The update that we are doing is an exceptionally complex piece of work, and since making the notice of proposed amendments, we received more than 35,000 comments. And so, the Federal Highway Administration has worked promptly but judiciously to take all of those comments on board, hoping that we can get that update issued as quickly as possible, and then get to a more regular cadence of updates. So, instead of waiting between 2009 and now, we are in accordance with the requirement that was in the IIJA, which will call for a 4-year cycle of updates.

Mr. GARCÍA OF ILLINOIS. Thank you, Secretary.

Mr. Chair, I yield back.

Mr. JAMES. Thank you, Mr. García.

Mr. Secretary, the Chair now recognizes Mr. D'Esposito.

Mr. D'ESPOSITO. Thank you, Mr. Chairman.

Secretary, thank you for being here this morning, this afternoon.

Staffing shortages are disproportionately affecting New York City area airports. In fact, the New York TRACON located right in the center of my district is the key facility that directs planes in and out of the New York City area. It is staffed at 54 percent of the 2014 levels.

This past Friday, the FAA announced that they will extend cuts to minimum flight service requirements at New York City area airports through October of 2024. Do you consider safety and maintaining normal operation as your foremost job as Transportation Secretary?

Secretary BUTTIGIEG. Yes, in that order: first, safety and then, a close second, operational—smooth operations.

Mr. D'ESPOSITO. Thank you. Smooth sometimes. What is your plan for hiring and training enough air traffic controllers to meet current and future demand?

Secretary BUTTIGIEG. We recognize there is a clear gap that didn't build up overnight, but needs to be addressed quickly between how many controllers we have available and how many we think we should have. As a matter of fact, we have tried up our estimates of the size of that gap and place it at over 3,000.

Now, the good news is we have 2,600 air traffic controllers in the pipeline right now. This year, we set and met our goal of hiring 1,500. Our budget request for the coming fiscal year would allow us to hire another 1,800. But of course, there is attrition that is draining the bucket, so to speak, just as we are filling it.

We are finally getting ahead, but a shutdown would stop us in our tracks because it would shut down air traffic control training.

It is one of many reasons we think it is so important to keep things up and running.

Mr. D'ESPOSITO. I agree with you. We should keep it up and running.

You said you have 2,600 air traffic controllers in the pipeline.

Secretary BUTTIGIEG. Correct.

Mr. D'ESPOSITO. What does "the pipeline" actually mean?

Secretary BUTTIGIEG. So, what that means is the training process that begins at the academy in Oklahoma City, but it doesn't end there. Becoming qualified to work at an air traffic control facility, especially one as complex and important as N90, requires additional certification in that specific airspace with a lot of on-the-job training.

And my understanding of the consequences of a shutdown is that on-the-job training would stop, too. So, people would be pulled. If they are not in a fully qualified status, they would be pulled out of the towers, out of the TRACONS, unable to build that experience.

Mr. D'ESPOSITO. So, you mentioned attrition. How many air traffic controllers did you lose in 2022?

Secretary BUTTIGIEG. I will have to pull that number. What I will tell you is we are finally getting to where we are adding more than we are losing, but not by much.

Mr. D'ESPOSITO. But out of that 2,600 number, that doesn't mean that all 2,600 of those individuals will become air traffic controllers.

Secretary BUTTIGIEG. True.

Mr. D'ESPOSITO. It is like the New York City Police Department. You get in, you may not get out.

Secretary BUTTIGIEG. That's right.

Mr. D'ESPOSITO. Have there been any discussions about temporarily reassigning fully certified controllers from the other less impactful facilities to provide relief at New York TRACON?

Secretary BUTTIGIEG. I would have to check on specifically with regard to the TRACON. What I can tell you is that we use reserve mechanisms or other approaches to the extent that it's possible under work rules to try to alleviate that.

And let me also just make clear that the staffing level at the N90 TRACON is, in my view, unacceptable. We will never allow anything to not be safe. But in terms of just the pressure that that is putting on the people who are there and on smooth operations, there clearly needs to be a swift path toward a higher—

Mr. D'ESPOSITO [interrupting]. I agree. It is one of the reasons that during the FAA reauthorization, I fought so strongly to make sure that those individuals weren't leaving the TRACON facility and reassigned to Pittsburgh as the plans were in place.

How do you plan to direct those 2,600 individuals in the pipeline? Let's just say, for argument's sake, half of them make it through. I don't really know what the numbers are that bring people through the training and eventually become air traffic controllers. How do you plan to direct additional controllers towards facilities with the most need, similar to ones like TRACON?

Secretary BUTTIGIEG. Well, that is why that training process is so important, not just the foundational training you get at the

academy, but the training that qualifies and prepares you to work in the most complex, challenging, and dynamic parts of the national airspace. And it is one of many, many reasons why we view it as so important to get FAA reauthorization done, and to get an Administrator confirmed so that he can lead that process of bringing those new controllers on board.

Mr. D'ESPOSITO. So, now we touched upon hiring, we touched around reassigning. What other actions is FAA taking to maximize operational capacity at New York TRACON?

You just mentioned—I think the term you used was “unacceptable” as to the staffing there. So, what is it, what actions besides the hiring and the reassigning, what other actions can be taken to maximize operational capacity at New York TRACON?

Secretary BUTTIGIEG. Well, you mentioned the waiver, which is something that has been a priority for the airlines operating in that area, and we think is reasonable in order to make sure that there is less likelihood that volume will lead to delays.

We are also always assessing how technology can be part of the solution, as has been mentioned earlier in this hearing. There are a number of technologies that are outdated, that need modernization, that can make everybody involved in the aviation process, including controllers, more productive and more effective. They are doing a great job, but we need to make sure we back them up with the best technology and with adequate overall staffing levels. We think our plan will do just that. But it has got to get funded, and we have got to avoid any unnecessary politically driven disruptions like a shutdown.

Mr. JAMES. Thank you, Mr. Secretary. The chairman now recognizes Mr. Pappas.

Mr. PAPPAS. Thank you very much, Mr. Chairman.

Mr. Secretary, thank you very much for your attention to all the details of the Bipartisan Infrastructure Law and the purviews of your Department. I thank you for visiting New Hampshire on at least a couple of occasions to announce funding for critical local priorities, and we will have you back any time.

New Hampshire has been successful in securing funding through the RAISE program. And earlier this summer I was with other members of our delegation at the General Sullivan Bridge project in Dover, in Newington. It is replacing an aging structure that has been closed for a number of years. It is going to add a wider bike and pedestrian bridge that is going to connect to a regional network, which is really important for moving people, but also for our local economy.

But I am concerned about delays that we are hearing about for this project and two other bridge projects in New Hampshire. My staff recently met with folks from the Federal Highway Administration, from the U.S. Army Corps of Engineers, and the Coast Guard to talk about the status of these projects. And I am grateful that the Federal Highway Administration has completed its reviews as the lead agency, but we are waiting on sign-off from other Federal and State agencies, which is causing delays in this project.

So, this is frustrating to folks in New Hampshire, and I am wondering if you could talk about what you can do, as a Department, as the lead Federal agency for so many of these projects in places

like New Hampshire. How do you coordinate with other Federal agencies?

And do we have your commitment to keep working with Coast Guard and the Army Corps to make sure these bridge projects in New Hampshire can move forward efficiently?

Secretary BUTTIGIEG. Well, thanks. And the short answer is yes. We are committed to working with any other Federal agency, just as we work with any project sponsor to try to make sure projects are delivered responsibly and promptly.

I know how much excitement there is about the General Sullivan Bridge project, and want to congratulate the project sponsors on making it through that very competitive process.

We are very much accustomed to working with the Army Corps of Engineers as part of the NEPA process any time ports or water relays come into play. And similarly, with the Coast Guard, while of course no longer part of the DOT, an agency that we work with very closely.

And so, in this case, knowing that the permits may not all be within the Federal Highway Administration's jurisdiction, we are certainly prepared to be at the table and engaging any time we can, informally or formally, to help keep things moving and make sure that people see the benefit of that \$20 million as soon as we responsibly can get it done.

Mr. PAPPAS. Well, thank you very much for your commitment there.

And while we are on the topic of active transportation, we had an authorization as part of the infrastructure law that created a dedicated program for bike and pedestrian infrastructure, something that my communities are really hungry for. And as part of the omnibus bill, we were able to get \$45 million in that bill to fund this program. And I am wondering if you could give us a status update on where this is, and when we might be able to hear about grants moving forward.

Secretary BUTTIGIEG. Thanks. As you know, dozens and dozens of new programs were created through the IIJA. It is a great problem to have, but it means that our teams have been working in overdrive to get the Notices of Funding Opportunity out and make the award selections.

I can tell you we anticipate releasing that particular NOFO for the Active Transportation Infrastructure Investment Program before the end of this calendar year, and FHWA is working on it as we speak.

Mr. PAPPAS. Terrific. Thank you very much.

Toll credits are very important to a State like New Hampshire, and we use these as a Federal match on important projects. We have got a surplus of them that is about \$200 million at the end of our last fiscal year, and that is one of the reasons why I supported the creation of the Toll Credit Marketplace. And I understand that a pilot program should be stood up soon. It was included in the infrastructure law.

Can you update us on that Toll Credit Marketplace that will benefit States and allow them to stretch those dollars even further?

Secretary BUTTIGIEG. Thanks. This is another example of something that we are working as promptly as we can to deliver. It's

complex, and it is new, but establishing that Toll Credit Marketplace and just completing the procedural dimensions of the application process and selection process is underway right now.

So, we will follow up with your office as we anticipate a date to be able to put that out, but certainly, the work on that program is underway.

Mr. PAPPAS. OK. And as you know, as part of the infrastructure law, the base formula for highways wasn't changed. We did see an increase in my State significantly over what we had been receiving for highways, but the formula, I believe, is outdated and disadvantages some States. I will give you an example. Our neighboring State of Vermont has about half the population of New Hampshire, about the same area size, fewer lane-miles, but receives significantly more Federal highway dollars each and every year.

So, I am wondering if this is something that you are taking into consideration as we think about the discretionary grant opportunities that are contained within the infrastructure law, and whether or not you are open to either studying or looking at the highway formula moving forward.

Secretary BUTTIGIEG. We are certainly ready to provide any technical assistance that could be useful as Congress reassesses the formula.

And also, when it comes to the August redistribution, that can put, I know, a lot of pressure on States. We want to make sure that we accelerate the award and obligation to funding so that less winds up getting caught in that August redistribution in the first place. And I appreciate all the hard work both our own team and the States did getting through this year.

We want to make sure that there is equitable use and disbursement of all of these dollars. And certainly, when we see needs or deficiencies build up, that is something that is considered in the discretionary grant process, project by project.

Mr. JAMES. Thank you, Mr. Secretary.

Mr. PAPPAS. Thank you so much. I yield back.

Mr. JAMES. Thank you, Mr. Secretary. The chairman now recognizes Mr. Edwards.

Mr. EDWARDS. Thank you, Mr. Chair.

Mr. Secretary, thanks for being with us this afternoon and spending so long to answer all of our important questions.

The IIJA spent more Federal dollars than in many decades for United States infrastructure. Specifically, the IIJA authorized and appropriated \$661 billion over 5 years for DOT programs, more than double the amount authorized in the previous surface transportation law, the FAST Act.

In preparation for this hearing, the committee requested from DOT the total amount of IIJA funding distributed to date. DOT's response was not comprehensive in its accounting of distributed IIJA dollars and, in fact, differed from previous estimates provided to the committee by DOT.

Do you agree—just a simple yes or no—that in order to effectively monitor funds, you should be able to accurately pull an accounting of what funds have been allocated and where they have been sent?

Secretary BUTTIGIEG. Oh, absolutely. And I can assure you that we do, we take great care to make sure that we can track these dollars.

But we also know how complex it can be to be able to answer what seems like a simple question when you are tracking this many projects.

Mr. EDWARDS. And so, how can the Department be trusted to administer hundreds of billions of dollars when it can't at this time provide clear and concise information to the committee of jurisdiction?

Secretary BUTTIGIEG. Well, take the case where formula dollars go out to a State, and the State has met the requirement to be able to have those dollars passed to that State.

Now, traditionally, we wouldn't follow those dollars past whether they were federally compliant. But the reality is, for those dollars to turn into dirt moving, bridges getting built, or whatever the project is, we would want to know that.

Now, the only way to officially require that information would be to impose a mandate on the State, which we don't want to do, we don't have the authorization to do. But we need to follow the funds so it's not a fire-and-forget sort of thing.

Mr. EDWARDS. All right.

Secretary BUTTIGIEG. And so, that is what we are working to try to make sure we create the visibility on, not just to make it available to the committee, but to make it available to the public, as you will see increasingly available through the online tools we have created for project tracking.

Mr. EDWARDS. And so, given the concerns that DOT was unable to provide a comprehensive accounting of IIJA funds, is there any way that you can commit to a particular timeframe to provide this committee a full account of IIJA funds that have been announced, obligated, and outlaid to date?

Secretary BUTTIGIEG. We will always provide accurate information about the use of the dollars that have been entrusted to this Department. And where we are trying to follow them through the hands of a non-Federal agency that they have gotten into, we will do our best to try to understand that, too.

What I can't commit to is data that does not belong to us. But we are trying to make sure, without creating onerous reporting requirements, that we can still follow it, because, of course, we are interested, too, in how those projects are proceeding, even if they have already satisfied the fundamental Federal requirements.

Mr. EDWARDS. And so, who would be in a position best—would it be your office or would it be Congress—to require some sort of reporting from the States in order to get the information to you that this committee requires to do its job?

Secretary BUTTIGIEG. We think that we definitely hit the States with a lot of reporting requirements, so, I am not here to propose that Congress add even more. But over time, if we find that there are visibility issues or problems, we would certainly engage both the States and potentially this committee on how to make sure that we address them without creating undue burden.

Mr. EDWARDS. And so, I am not sure I heard who would be responsible—

Secretary BUTTIGIEG [interrupting]. Well, we think of it as our job. But if we need help from Congress, we will make sure to tell you.

Mr. EDWARDS. All right, thank you.

One other question coming a little bit more close to my district, an important program in North Carolina is the Appalachian Development Highway System, the ADHS, which includes Corridor K, in particular, which needs additional funding to complete its final segments. Can you share your thoughts on the importance of the ADHS and projects like Corridor K to improve access and mobility for isolated rural populations, including what can be done for economic activity and quality of life in rural areas like I represent?

Secretary BUTTIGIEG. We strongly believe that connectivity to highways and, ultimately, to the Federal and Interstate Highway System, is an important part of the lifeblood of any economy. And when there are communities, including Appalachian communities, that have been left out of that level of connectivity, we know that limits opportunities for families, for workers, for cities and towns and counties, which is why the ADHS is important, and I know enjoys a high level of support from Congress and from us, too.

When you have that kind of connection, horizons open, and it becomes more likely that people who live in these rural communities don't have to fear that the next generation won't find any opportunity on the soil that produced them. And we are very committed to doing our part to use transportation to benefit the future of those communities, including through efforts like the ADHS.

Mr. EDWARDS. All right. Thank you, Mr. Chair. I yield.

Mr. JAMES. Thank you. The Chair now recognizes Mr. Auchincloss.

Mr. AUCHINCLOSS. Thank you, Chairman.

Good afternoon, Secretary. Earlier, a gentleman from Arkansas insinuated that the Department of Transportation wasn't moving on getting critical money out of the door. Do you agree with that assessment?

Secretary BUTTIGIEG. No, but I certainly share the impatience to get that money out the door. We are making sure we get it right, and we are making sure we do it promptly, too.

Mr. AUCHINCLOSS. I appreciate it. I want to move now to highlight an important safety issue that impacts pedestrian cyclists and other road users.

Under the New Car Assessment Program, NCAP, the National Highway Transportation Safety Administration currently grants four- or five-star safety ratings to increasingly large vehicles because the program focuses only on the safety of those within a vehicle and not on how those vehicles impact those around them. Last year, NHTSA responded to concerns about this rating system by proposing an optional pedestrian crashworthiness test within NCAP.

With fatalities and serious injuries among pedestrians and cyclists skyrocketing by more than 50 percent in the past decades, it is clear that vehicle design can play an important role in reducing fatalities, including by improving driver sightlines and reducing weight and height.

Mr. Secretary, does NHTSA have any plans to incorporate pedestrian crashworthiness ratings into a vehicle's final safety ratings?

And what additional steps can your Department take to improve safety for pedestrians and cyclists?

Secretary BUTTIGIEG. We know that the increase we have seen in roadway deaths has largely been driven by what happens to pedestrians and cyclists. And so, if our understanding of vehicle safety only includes what is inside the vehicle, we are missing an important part of the story, and it is one of the reasons why we are paying attention to how to upgrade our NCAP program to provide additional information. That includes attention to the effect of a car's design on those who are outside the vehicle.

And NHTSA is working on upgrading the program to provide more information about various things that could lead to improvements and avoid crashes. Things we are considering include blind-spot detection, blindspot intervention, lane-keeping support, and, importantly, AEB, automatic emergency braking, for pedestrians, which we think is important.

We have published a request for comment, NHTSA has, to try to get public comment on adding a crashworthiness protection testing program to NCAP, which we also think would be important, to have a data-driven approach here, and are continuing to advance on that.

And of course, there are other steps that NHTSA is taking, like the proposal for a Federal standard on AEB that we think would make a difference here, and could be integrated into FMVSS.

Mr. AUCHINCLOSS. An important part of improving walkability for our communities is the infrastructure investments in cycling and walking infrastructure, but also, of course, ensuring that vehicles are more safe not just for those inside of them, but for the pedestrians and cyclists who are endangered by them.

Mr. Secretary, you also opened up your testimony talking briefly about the work that DOT has done on junk fees for airline passengers, as well as your work on hiring air traffic controllers, which has been a critical bottleneck that has led to some flight delays. I want to allow you to expound upon the work that you have done on junk fees and how the flying public will see those impact them in the coming year.

Secretary BUTTIGIEG. Thanks for the question. We take seriously our authorities to make sure that the passenger experience is a better one. And part of what is especially frustrating for passengers is when you find that you are stuck with some fee that was not transparent to you.

So, we are working on several things at once. Part of it is the transparency piece, just to make sure that when you book a ticket, and not afterwards, you can see any and all ancillary fees or charges that are associated with your ticket.

Another thing is making sure you get your money back if you don't get that service. We require that, if your flight is canceled, you can get your airfare back. But we need to make sure that there are companion rules so that if your baggage doesn't get there but you paid for baggage, or if you paid for Wi-Fi and the Wi-Fi doesn't work, that you can get your money back on that, too.

And then there are fees that we think just should not be charged in the first place. A good example of that is the idea of being charged to sit next to your kids, something that I was reminded of the other day when Chas and I were bringing our toddlers back to Washington from Michigan, and making sure that—some things we understand that the market can provide a mechanism for people to choose whether they want this extra service or that. But sitting next to your kids isn't a bell or a whistle. It's important, and you shouldn't have to pay for it. And so, that's something that we have underway, too.

I think, taken together, all of these are going to lead to not just a better passenger experience, but I would argue a healthier marketplace for airline tickets in America.

Mr. AUCHINCLOSS. Between cracking down on the junk fees and improving the ATC hiring, I appreciate the work you are doing to ensure a better experience for the flying public in the year to come. Thank you.

And I yield back.

Secretary BUTTIGIEG. Thanks very much.

Mr. JAMES. Thank you, Mr. Auchincloss. The Chair now recognizes himself for questions.

Mr. Secretary, thank you for being here today. Really quickly, your Department oversees the National Highway Traffic Safety Administration, which I am sure you are aware recently proposed the CAFE standards for 2027 to 2032. You are also likely aware the EPA agency has separately proposed overlapping greenhouse gas standards.

Sir, can you explain what actions you have taken to coordinate with the EPA Administrator Regan to ensure that auto manufacturers that comply with greenhouse gas regulations are also compliant with fuel economy standards issued by DOT?

Secretary BUTTIGIEG. Thanks for the question. We recognize that the development of two related but different sets of standards, one from NHTSA with regard to fuel economy, one from EPA with regard to emissions, can be a complicated thing for industry to deal with if we are not as transparent and coordinated as possible and as appropriate, while, of course, recognizing we are still separate agencies.

And so, we have worked, to the extent appropriate, in coordination with EPA and with the White House—

Mr. JAMES [interrupting]. All right. Well, I will get more specific. Specific to the DOT, CAFE standards in model year 2032 indicate automakers will pay \$10 to \$13 billion in civil penalties for non-compliance. Mr. Secretary, will these penalties increase or decrease the vehicle costs for the average American buyer?

Secretary BUTTIGIEG. Well, if there is a failure to comply, and there is a penalty assessed, and the automaker puts that penalty on the back of the consumer, then their costs will increase.

On the other hand, the consumer will be saving money, thanks to the reduced gas that they will be buying, thanks to the standards. And we estimate saving about \$1,000—

Mr. JAMES [interrupting]. OK. So, let's assume. Let's assume that we go forward. Are those penalties reinvested by DOT in programs that would actually support more efficient vehicles, pollution

reduction, or workforce development? Or do they go to the general fund as essentially an implicit tax on the American people, which is the role of Congress?

Secretary BUTTIGIEG. I am not in a position to speak to the use of penalty funding that hasn't been collected yet, but certainly think that, partnering with Congress, it could be appropriate to make sure it gets assigned in ways that further the policy goal, provided they don't amount to undercutting the purpose of the penalty in the first place, which is to get the automaker to do the right thing and comply so that there is no penalty at all.

Mr. JAMES. Would another right thing be profit-sharing with the UAW?

Secretary BUTTIGIEG. Say again.

Mr. JAMES. Would another right thing be profit-sharing with the UAW?

Secretary BUTTIGIEG. Well, we certainly think that auto workers ought to get their fair share of the growth and the—

Mr. JAMES [interrupting]. So, you agree that profit-sharing with the UAW is something that is proper.

These penalties—

Secretary BUTTIGIEG [interrupting]. Well, just to be clear, I am not at the negotiating table, and I am not going to—

Mr. JAMES [interrupting]. Well, neither of us are, but both of us—

Secretary BUTTIGIEG [interrupting]. But certainly—

Mr. JAMES [interrupting]. So, with the President's unrealistic projection for electric vehicle sales in the future, 67 percent by the year 2032, affecting the profitability of these plants is going to take dollars away from auto workers. The approximate formula is about \$1,000 per auto worker for \$1 billion for the automakers.

If penalties are levied on the automakers, then this will take money away from the auto workers. Is the President aware that he is literally taking money away from UAW workers by impugning their bonuses?

Secretary BUTTIGIEG. I just don't think that is the right characterization, because it assumes that the automakers will fail to comply with the law.

Look, ever since the first CAFE standards were introduced in the Nixon administration, the industry said there is no way we could possibly have vehicles more efficient than 13.5 miles a gallon. There has been a push-pull to make sure that we have the maximum feasible. But in the end, industry got it done. And today American consumers have saved billions and billions of dollars. And of course, we have cleaner air because of these standards. And I have a lot of confidence that industry can continue as they have done in the past—

Mr. JAMES [interrupting]. I have a lot of confidence—

Secretary BUTTIGIEG [continuing]. To comply with the law.

Mr. JAMES [continuing]. In industry, as well. But requiring going from 67 percent—and you mentioned earlier tripling, but that tripling is up to 7 percent now, and requiring that in just a handful of years, goes beyond aggressive, and goes into the area of dangerous.

Now, look, I really appreciate you bringing up Penelope Rose and Joseph August. I have my little boys, and we have a hybrid electric vehicle that we plug in, as well. But there is a housing crisis throughout America with affordability. And right now, this is not only going to affect the automotive industry, it is going to affect average, everyday Americans.

Based upon the President's unrealistic projection, can you explain what is being done in apartment complexes for Americans, whether it be folks suffering from a housing crisis in northern Michigan, or in my district, in the southern portion of my district, making vehicle charging convenient at a reasonable cost for people already paying rent that is high?

What do you think is acceptable, and what is the DOT doing to help make this charging more affordable?

Secretary BUTTIGIEG. Thanks. It is an excellent question, and it is one of the reasons why we have the community fueling infrastructure funding as part of the NEVI program.

We recognize that especially, look, if you have a single family home, you already have charging infrastructure. If you have a garage, you can plug in there. But if you are in a multifamily dwelling, as many low-income Americans are, you can't assume that you are going to have that kind of charging infrastructure. And you also can't assume that it is yet profitable for a company to put it in. That is exactly why we are applying the funds that were provided by Congress to make sure that in these areas where it just doesn't yet pencil out for a company to do it, that we are buying down that difference so that some of the very Americans who would most benefit in terms of their family budget from the savings that come with filling up with electricity instead of gas can actually access it through affordable and convenient chargers.

Mr. JAMES. One last thing, Mr. Secretary. Seeing electric vehicles don't pay a corresponding user fee for the Highway Trust Fund, such as the 18.4 cents per gallon for gasoline, how does the CAFE reduce collections in the trust fund?

I don't believe there is anything in the DOT's proposed rule-making explaining what the high rate of electrification will mean for improvements to our Nation's roads and bridges. Effectively, this rising debt of the Federal Government will put increased pressure on Congress and this committee to fund infrastructure improvements through the general fund. And that seems to be a major omission in the administration being honest about ensuring our Nation's roads and bridges don't deteriorate further due to the higher CAFE and greenhouse gas requirements and further pushing the cost of this EV transition onto folks who are least able to afford it.

Can you comment on how we can maintain our infrastructure with the increased weight and decreased funding for our infrastructure?

Secretary BUTTIGIEG. Sure. And again, ever since CAFE standards began in the Nixon administration, improving the average efficiency of a car past 13.5 miles per gallon, there has been the effect, alongside all of the money that it saves drivers and car owners, that it also means that, because Americans are paying less for gas, they are paying less gas tax.

We think Americans paying less for gas is a good thing. We think Americans paying less gas tax because they are getting more efficient vehicles is a good thing. But we recognize that that means there have to be alternative ways to support the Highway Trust Fund. Historically, Congress has filled that gap through general dollars. That is not the only way to do it, but it is certainly a legitimate way to do it, and it is what has been happening ever since that gap first opened up.

Mr. JAMES. Thank you, Mr. Secretary. My time is expired, and the chairman now recognizes Mr. Moulton.

Mr. MOULTON. Thank you very much, Mr. Chairman.

Just to pick up on that line of questioning, Mr. Secretary, is there any plan for users of EVs to pay the increased costs that the additional weight and wear and tear on the highways their vehicles creates for the highway system?

Secretary BUTTIGIEG. So, we have not proposed any supplemental fee or cost at the Federal level, but we recognize that different States are approaching this different ways, including sometimes a supplemental registration fee for an electric vehicle that won't be paying into the gas tax.

Mr. MOULTON. Like they have done in Utah. OK, great.

Mr. Secretary, when you travel around Europe, you have much more and better options, more freedom, I would point out, than when you travel around the U.S. You can drive on highways that are generally very well maintained, no bridges collapsing.

You can take high-speed rail at three times the speed, or you can take airplanes, if you don't mind weather and maintenance delays like the 2½ hours American Airlines kept me sitting at the gate in Boston on Monday after we boarded the plane, before they fixed a problem. Two-and-a-half hours would have gotten me more than halfway to Chicago on a high-speed train, and not to O'Hare, but downtown Chicago if we had world-class, high-speed rail.

In Spain you get a full refund if the train is more than a few minutes late. That's hard to imagine here, in America.

But Mr. Secretary, why has it taken almost 3 years into this administration to fund high-speed rail? Last year, you made a commitment to getting high-speed rail done in two to three geographies. I asked you about this at last year's congressional hearing, too. What's happened since then, and why is it moving so slowly?

Secretary BUTTIGIEG. We spent our first years in the administration fighting to get the bill passed, with your help, to make those fundings available in the first place. We spent much of our second year standing up the dozens of programs, many of them multibillion-dollar programs that were created by the IIJA, which means now we are at the stage of making the first waves of project selections and getting those dollars out the door.

Now—

Mr. MOULTON [interrupting]. There were no projects to stand up for the administration, because there are already high-speed rail projects ready to go, just waiting on Federal funding.

Secretary BUTTIGIEG. So, there are a number, a small number, but a very real and compelling number of projects that are currently in process for competitive grants that will be announced soon.

I don't have news to make today on that, but what I can tell you is that high-speed rail projects are in the mix for the non-NEC Fed-State partnership funds, and I believe many of them have a compelling case to make.

Mr. MOULTON. OK. Well, I will just—look, seeing is believing. You often say that. We have got to get high-speed trains that people can actually see and ride like they have in the rest of the world. And this is an unbelievably slow-moving, high-speed rail program. So, I hope we can speed it up.

I was shocked to see Boston's South Station expansion listed as one of the priorities on the Northeast Corridor project inventory. At the cost of \$3.5 billion, it will be obsolete in about 10 years. So, why would you choose that over building the North-South Rail Link and finally connecting the Northeast Corridor all the way from Virginia to Maine at a cost of just \$6 billion?

Secretary BUTTIGIEG. Well, it is not necessarily always an either/or. As you know, they were in a bigger set of projects that were contemplated for corridor—

Mr. MOULTON [interrupting]. And actually, in this case it is, because if you do the North-South Rail Link, you don't need to expand South Station. It solves a problem, but it solves a problem for 100 years, not for 10.

Secretary BUTTIGIEG. I would welcome a chance to get more details to you from FRA on how they approach project selection there.

Mr. MOULTON. OK. A quick question on freight rail. A lot of talk about freight rail safety after some high-profile derailments. There is a bill floating around the House and the Senate that will put more wayside detectors along the routes at a significant cost, although not that much. This is 1960s technology.

We have an opportunity, a transformative opportunity, right now in America to jump—to leapfrog that, and just have detectors on every single car so an engineer would know instantaneously if there's any problem. I mean, this would be transformative for rail safety, ultimately saving the industry millions and millions of dollars. But they just have to get the instigation to actually put this widely available technology on their freight cars.

So, why are we doubling down, literally doubling down? That's what we are doing. We are adding more 1960s technology when we all have wearable devices that could be worn by freight cars and solve the problem much more effectively for the future.

Secretary BUTTIGIEG. Well, the conditions for a wearable device are a little bit different than the conditions you experience on the underside of a freight car. But we certainly welcome the development of technologies that are newer, more effective, more comprehensive.

And I very much welcome the work that is going on on the Railway Safety Act. I am actually amazed that you were the first Member today to give specific mention to any of its provisions, because we think it is wildly important, in addition to the work that we are doing with the authorities we have, to get more backing and more legislative authority to increase accountability and safety.

And don't—

Mr. MOULTON [interrupting]. We have this technology on intercontinental ballistic missiles. I think if it can survive an interconti-

mental ballistic missile in space, it can handle the underside of a freight car. Let's get it done, and let's really move the industry forward, and not just double down on the 1960s technology that's a quick fix and won't really make any meaningful change.

Secretary BUTTIGIEG. We are for any change that puts us better off than where we were, but agree that we should be skating to where the puck is going, and try to make sure that we are not just catching up to technologies that might soon become obsolete.

Mr. MOULTON. Great. Thank you.

Thank you, Mr. Chairman.

Mr. CRAWFORD [presiding]. The gentleman yields. Mr. Kean.

Mr. KEAN OF NEW JERSEY. Thank you, Mr. Chairman, and I would like to thank you, Mr. Secretary, for being with us today.

New York City's congestion pricing plan received approval from the Federal Highway Administration in June of this year, and is expected to go into effect early 2024. As I am sure you know, the approved plan will charge commuters, many from my district, up to \$23 just to enter New York City. I was happy to join with my colleagues on this committee passing a resolution opposing the congestion pricing plan. The plan is deeply flawed, it's unfair, and it represents a money grab on New Jersey commuters' wallets.

Why did the FHWA approve this plan so quickly, despite findings on a preliminary environmental assessment revealing environmental harm to New Jersey communities and other New York boroughs?

Secretary BUTTIGIEG. I'm not sure I can honestly concur with the characterization of the process as quick. It was held up under the previous administration. We inherited it, and the Federal Highway Administration spent the entire time that we've been here up until this summer working through the process to make sure that the project met the requirements of the law.

Now, to be clear, U.S. DOT doesn't have a policy role here in deciding whether this is good policy or not. That's a State decision, and any exchange of revenue between the States is to be negotiated among the States. But of course, Federal Highway Administration does have a responsibility, because of the Federal connection with the value pricing pilot program, to oversee the NEPA process, and it's probably the only context in which I have been urged by some Members, not all on this committee, to have a permitting process take longer instead of having it go quicker.

What I can tell you is that it was thorough. The process included over 22,000 individual comments that were received and that were reviewed—

Mr. KEAN OF NEW JERSEY [interrupting]. With respect, this plan is a gut punch to my constituents and many others within the region, and I just wanted to let you know of their grave concern in this regard.

Secretary BUTTIGIEG. I respect your perspective on that and do want to emphasize that the vast majority of commuters in your district who get to Manhattan by transit are benefiting from the IJJA investments that we do have direct responsibility and a role in.

Mr. KEAN OF NEW JERSEY. I think you're anticipating my next question. And if I may, the Gateway project benefits not only New Jersey, but the entire region and the country. Completion of that

project and increased commuter rail access into and out of New York City is years away from that full project being completed. Many in my district along the Raritan Valley Line of the New Jersey Transit commute every day into New York City and are increasingly frustrated with the need to transfer at Newark Penn Station, while other New Jersey Transit lines have the benefit of a direct connection into New York Penn Station.

My bill, the One-Seat Ride Act, passed this committee in July with the objective of studying the benefits of a nontransfer option on the Raritan Valley Line into and out of the city.

Additionally, as was announced on September 6 by Governor Murphy, the FHWA has awarded an additional \$425 million in Federal transportation dollars to NJDOT as part of the Federal August redistribution process. The additional spending will be split \$315 million to NJ Transit projects and \$110 million for NJDOT projects.

The Hunter Flyover, which is key to realizing a one-seat ride, and these dollars seem appropriate for helping to complete the Hunter Flyover, which is integral to residents all along the Raritan Valley Line. Can I have your commitment to work with me and the NJDOT to helping to make sure that the Hunter Flyover is prioritized, so we can help my constituents and many others across New Jersey gain access to a one-seat ride option in the very near future, even before the totality of the Gateway is completed?

Secretary BUTTIGIEG. Thank you. We want to make sure that this project receives every due consideration and prioritization, and welcome the opportunity to work with you on that and the Gateway effort more broadly. We know how important it is to New Jersey commuters and to the region as a whole.

Mr. KEAN OF NEW JERSEY. Yes, and to the entire country.

Secretary BUTTIGIEG. Agreed.

Mr. KEAN OF NEW JERSEY. Extraordinarily important. And I will continue to work on that with you.

And then, if I may, on the IIJA, the workforce shortage in the construction industry has grown, and there is a pressing need for effective training programs that will develop an effective workforce. Can you talk to me a little bit about how the DOT and FHWA is actively collaborating with the industry associations to leverage existing programs and to grow other lessons and programs?

Secretary BUTTIGIEG. Thanks for the question. It is a timely one. We need to make sure we have the workforce ready to deliver on all of these projects. We welcome that challenge, because it means lots of good-paying jobs, but it's a real challenge.

And so, we have engaged not just industry, but community colleges, labor unions, transit agencies, everybody who has some role in preparing workforce. And I would emphasize that workforce is often an eligible use of Federal-aid highway dollars, including formula dollars. So, in addition to it sometimes being a factor in our discretionary grants, we also welcome and enthusiastically encourage States to use dollars for that purpose. We know it's just as important as the steel and the concrete for getting these projects done.

Mr. KEAN OF NEW JERSEY. Thank you.

I yield back.

Mr. CRAWFORD. The gentleman yields.

Ms. Strickland.

Ms. STRICKLAND. Thank you, Chairman.

Nice to see you, Secretary Buttigieg. I first want to take a moment to thank you and your Department for all the work that you have been doing to successfully deploy infrastructure funding, especially in Washington State. This June, I had the privilege of touring several projects, and I want to call one out in particular, because I think it's a really great example of this in work.

The Nisqually Indian Tribe, which is in my district, was a beneficiary of the Thriving Communities grant program. And as you know, this is really made to provide technical assistance to underresourced and disadvantaged communities. And by the way, those definitions are not subjective. There are facts and data that go to show which communities fall into those categories.

In my district, the Nisqually Tribe is using these Federal grant funds to pursue a decarbonization initiative work plan that is going to support energy-efficient transportation facilities, including their new Nisqually facility and transportation building and EV charging stations. This work would not have been possible without the IIJA and your Department's strong commitment to equity, to modernization, and to our infrastructure. So, I want to say thank you.

I want to switch a bit now, Mr. Secretary, to high-speed rail, as raised by Mr. Moulton. The Federal-State Partnership for Intercity Passenger Rail Grant Program provides projects to improve and expand performance or establish new intercity passenger rail service. The Washington State Department of Transportation has submitted a grant application to FRA to advance the Cascadia ultra-high-speed rail project, and this proposal is going to be transformative for the Pacific Northwest. It includes British Columbia, the State of Washington, and the State of Oregon, and we are creating a corridor for great jobs, for research, for technology, for agriculture, the entire ball of wax. And having this will be a game changer.

One of my questions for you, Mr. Secretary, is how does your Department plan to support efforts like this that have a strong case, both public and private, in transportation?

And how can you help us get this off the ground?

Secretary BUTTIGIEG. Well, thank you for the question. We are enthusiastic about passenger rail in general, high-speed rail in particular, and also especially welcome regional partnerships that work across those State lines or other jurisdictional boundaries to try to benefit and lift up an entire region.

I will take care not to comment on the merits of anything that is in an active consideration right now, but certainly have heard and understand the enthusiasm around the potential of the Cascadia, and would—the best way I can answer your question is to say that we are applying those IIJA dollars as best we can to, as you noted, introduce as well as restore passenger rail routes.

And we recognize that we won't be able to have a full nationally built-out high-speed network just with this 5-year authorization, but it gives us the best start we have ever had to introduce it in places that haven't seen it before. And I think when Americans ex-

perience high-speed rail, they are going to want more each time the question comes before this body.

Ms. STRICKLAND. No, absolutely. And what is exciting about this, again, we have multiple jurisdictions supporting this. We have private-sector support for this. And also just understanding that when we talk about high-speed rail, the Pacific Northwest, which is in the northwest corner of the U.S., often gets overlooked in this conversation. So, we want to make sure that you are aware that we are out there, we are very enthusiastic about this, and we need your support.

With the little bit of time I have left, Mr. Secretary, I want to switch a bit to the DBE program and equity in Federal contracting. I know that you addressed the Congressional Black Caucus about this, but I want to highlight this issue again. How is your Department tracking progress of these equity requirements from the IIJA?

And again, I will state this: Equity is something that can be measured.

The other thing I want to talk about, too, is what type of oversight or enforcement is your Department going to impose upon States so that they are living up to their responsibility, as well?

Thank you.

Secretary BUTTIGIEG. Well, thank you for the question, and you are right, we can track and measure how well we are doing. And we are holding ourselves to rigorous targets. It starts with our own Federal spending.

Now, the truth is, that's not the majority, but it's billions of dollars. And so, we are working to make sure that the contracting directly done by the DOT is meeting our goals, and I am pleased to report that we have met and exceeded our goals for STB utilization when it comes to direct Federal spend.

But as you noted, so much depends on the States, not just in terms of their basic compliance with things like title VI, but we hope their proactive commitment to making sure that the goals of DBE programs are met. So, we have made sure that we are putting out the right kind of guidance about administering and overseeing projects with alternative contracting and procurement methods that are still compliant, but that can open more doors to firms that maybe haven't participated in the past.

We are working hand in hand with recipients to try to make sure that they get the training that they need. And through our OSDDBU, we are doing the technical assistance and capacity building that we think will build up that DBE business base, as well. We are very close to being able to announce a final rule on the updates to our DBE program, overall, and continue to believe very strongly that this is a big part of how the economic potential of the IIJA can be met.

Ms. STRICKLAND. Absolutely. And this is a conversation about inclusion. It is making sure that all of these investments are benefiting the entire community. And it helps a lot of our communities that have been shut out of wealth building build wealth.

Thank you, Mr. Secretary.

Secretary BUTTIGIEG. Thank you.

Ms. STRICKLAND. I yield back, Chairman.

Mr. CRAWFORD. The gentlewoman yields. Mr. Williams.

Mr. WILLIAMS OF NEW YORK. Mr. Secretary, welcome. Just a couple of questions. I am trying to get to some points here.

As mayor of South Bend, did you have operational oversight over the airport?

Secretary BUTTIGIEG. No, that was a county body.

Mr. WILLIAMS OF NEW YORK. That was a county project. And in your tenure as mayor, were there major highway projects either initiated or completed during your tenure there?

Secretary BUTTIGIEG. Yes, probably the biggest was the effort that we did with the highway pair that goes through the heart of our city. It—

Mr. WILLIAMS OF NEW YORK [interrupting]. It is I-90?

Secretary BUTTIGIEG [continuing]. [Inaudible] Street and Main Street. Say again?

Mr. WILLIAMS OF NEW YORK. Is that I-90?

Secretary BUTTIGIEG. No, no. It was originally U.S. 31. We got a relinquishment from the State to get it done. I am proud to say we got an award from the U.S. DOT on that—

Mr. WILLIAMS OF NEW YORK [interrupting]. What was the approximate budget of that, do you recall? Just approximately.

Secretary BUTTIGIEG. The particular project that we were doing on the streetscape, that was about a \$25 million project.

Mr. WILLIAMS OF NEW YORK. A streetscape. OK, \$25 million. Thank you.

I understand that in South Bend that you wanted to construct a new train station downtown. How did that go?

Secretary BUTTIGIEG. Well, we didn't initiate a project to build a train station downtown, but it was certainly something that I believed, as mayor, could benefit the city, and still hope someday that that could become a reality.

In order for it to become a reality, there would have to be cooperation from the freight railroads that have a lot of the right of way that goes into it, and a level of funding that, at least on my watch, was not present at the city level. But I am hopeful that—obviously, there is new leadership in South Bend doing a great job, but I am hopeful that one way or another, they can enhance rail connectivity, because I think it would really benefit the community.

Mr. WILLIAMS OF NEW YORK. Yes, I did read about the South Shore Line there at the airport and the Amtrak station somewhere in the nether lands between downtown.

I draw on that experience to think about the transit budget that you managed in South Bend of, I guess CNN reported as \$10 million and 47 buses, to \$90 billion, approximately, for your Department today. Given this experience, and having demonstrated a superior work ethic, I was going to ask that you draw attention in your \$90 billion budget to properly staff the New York Terminal Radar Approach Control. Currently, it is at 54 percent staffing. You may know that this causes a lot of delays on the east coast in and out, particularly of the New York City core airports, the main three, and it disrupts air travel.

What are you doing to approach that? Fifty-four percent seems quite dangerous.

Secretary BUTTIGIEG. Well, it's not dangerous in terms of safety, but I agree that it is unacceptable. While we always make sure

that there is adequate staffing to safely manage flight operations, when you are at 54 percent, what happens is that you have far more overtime going on. And in the worst case, if there were some perceived or potential risk to safety, it could even lead to ATC staffing-driven flow measures that could impact cancellations and delays.

Now, let me be very clear, because——

Mr. WILLIAMS OF NEW YORK [interrupting]. Are there safety measures for overworking our air traffic controllers? Because——

Secretary BUTTIGIEG [interrupting]. Absolutely, yes, of course——

Mr. WILLIAMS OF NEW YORK [continuing]. Fifty-four percent sounds almost like everybody is working double shifts.

Secretary BUTTIGIEG. The fatigue requirements are always met at N90 or any other facility.

But look, I think we are actually largely on the same page here.

Mr. WILLIAMS OF NEW YORK. So, I think——

Secretary BUTTIGIEG [interrupting]. And so, the thing I would want to——

Mr. WILLIAMS OF NEW YORK [continuing]. I would emphasize just when you say that it is not dangerous, is that because flights are being canceled in and out of the New York corridor?

Secretary BUTTIGIEG. This is the thing I want——

Mr. WILLIAMS OF NEW YORK [interrupting]. Because of the staffing——

Secretary BUTTIGIEG [continuing]. Yes, this is the thing I want to emphasize, right? If——

Mr. WILLIAMS OF NEW YORK [continuing]. [Inaudible] inconvenience, or——

Secretary BUTTIGIEG [continuing]. I would love to be able to answer you.

Mr. WILLIAMS OF NEW YORK. Yes, please.

Secretary BUTTIGIEG. I would love to be able to answer your question.

Mr. WILLIAMS OF NEW YORK. Sure.

Secretary BUTTIGIEG. If a staffing level reaches the point where you can't safely guide the number of flights that are programmed, since compromising safety is not an option, the only alternative is that flights could be disrupted or delayed.

Mr. WILLIAMS OF NEW YORK. No, the alternative, actually, is that we have leadership that fulfills its responsibility of manning the operations of our air traffic control——

Secretary BUTTIGIEG [interrupting]. Of course. We are on the same page here.

Mr. WILLIAMS OF NEW YORK. I don't——

Secretary BUTTIGIEG [interrupting]. What I am saying is that——

Mr. WILLIAMS OF NEW YORK [continuing]. I don't think we are, because——

Secretary BUTTIGIEG [interrupting]. No, I think we are.

Mr. WILLIAMS OF NEW YORK [continuing]. Your Department is having a significant shortfall, and you don't seem to be bothered by it. So——

Secretary BUTTIGIEG [interrupting]. I have made very clear how bothered I am by it——

Mr. WILLIAMS OF NEW YORK [continuing]. And canceling flights—

Secretary BUTTIGIEG [continuing]. And let me tell you, the number-one thing—

Mr. WILLIAMS OF NEW YORK [continuing]. Canceling flights actually doesn't seem to be—

Secretary BUTTIGIEG [continuing]. That would help us prevent that—

Mr. WILLIAMS OF NEW YORK [continuing]. A reasonable response. There is more to this.

Secretary BUTTIGIEG. Sorry, are you suggesting that we compromise safety, instead of—

Mr. WILLIAMS OF NEW YORK [interrupting]. No, no, not whatsoever.

Secretary BUTTIGIEG [continuing]. A disruption?

Mr. WILLIAMS OF NEW YORK. In fact, as a—

Secretary BUTTIGIEG [interrupting]. But do you—

Mr. WILLIAMS OF NEW YORK [continuing]. As a nuclear engineer, I actually know a lot about safety, and probably a lot more than you.

So, what I am suggesting is that you have a responsibility, with a \$90 billion budget, to administer it. I realize that is a stretch from a \$10 million budget of your experience. Having demonstrated—

Secretary BUTTIGIEG [interrupting]. That is an inaccurate statement. Congressman, when you come—

Mr. WILLIAMS OF NEW YORK [continuing]. What I would say is that—

Secretary BUTTIGIEG [continuing]. From where I come from, you are accustomed to people from—may I?

Mr. WILLIAMS OF NEW YORK. I know a lot of people from a lot of places.

Secretary BUTTIGIEG. May I?

Mr. WILLIAMS OF NEW YORK. So, when I see—

Secretary BUTTIGIEG [interrupting]. Am I going to get to answer your question or not?

Mr. WILLIAMS OF NEW YORK. I think you have dodged the question sufficiently. Thank you.

Mr. CRAWFORD. The gentleman's time has expired.

Mr. Carter.

Mr. CARTER OF LOUISIANA. Mr. Chairman, thank you very much.

And Secretary Buttigieg, thank you very much for being here, and thank you for your commitment to the American people. Thank you for being in Louisiana.

DOT awarded over \$70 million to New Orleans RTA to buy zero-emission vehicles and charging equipment through the BIL. Low- and no-emissions technology, this is proving to be an incredible thing for my region. These vehicles can also be equipped to use microgrids in the event of a disaster. We hope that these vehicles can be used to provide support for our first responders and immediate disaster response teams, and then used in our disaster recovery to supplement the vast network of microgrids being stood up in my district right now.

Tell me, Mr. Secretary, do you believe—or I should say, what role do you believe DOT serves in research and development of dynamic hazard mitigation and clean technology in an ever-changing world where clean technology is so needed?

Secretary BUTTIGIEG. We think that there is an important Federal role. I don't want to overstate the importance of the public sector relative to the private and the academic sector, each part has their role. But we do fund basic research, and we fund ways to prove out the safety benefits of some of these technologies through facilities like those overseen by NHTSA and the Federal Highway Administration.

And we certainly see enormous potential for these technologies to continue to develop, continue to potentially save lives in American transportation.

Mr. CARTER OF LOUISIANA. So, additional projects that I just want to note—and thank you for \$2 million for the brownfield cleanup grant for the Naval Support Activity Complex in New Orleans, \$24 million RAISE grant for the New Orleans Downtown Transit Center, \$8 million for the Louis Armstrong International Airport, \$100 million from the Department of Energy award to Koura to help build the first U.S. manufacturing plant for lithium hexafluorophosphate—go figure if I got that right or not—which will help vastly improve our domestic lithium-ion battery production.

One thing that is very important that I want to bring to your attention, when traveling through the river parishes and visiting with the mayor of Donaldsonville, Mayor Sullivan indicated that there were these antiquated gas pipes that had been passed over for many, many years, and many people had come through the town and made promises of being able to do something about it.

I took the bait. I stepped up and said we are going to do something about it. We are not going to let the buck continue to be passed. And, Mr. Secretary, I am glad that I did. I am glad I told him. And it turned out to be the truth. I told him that we had a President and administration that understood the need to right the wrongs that had been in the past, to provide equitable infrastructure. And I am proud to call and tell him that we delivered on it, delivered on it because of the ability to pass the \$1.2 trillion infrastructure bill which changed lives.

What role do you see this administration's spending packages like IIJA and IRA playing in redressing past wrongs and providing truly equitable infrastructure information for those communities that have historically been left behind?

Secretary BUTTIGIEG. Well, thank you, Representative. And I would join you in celebrating the funding and the jobs that are coming to your area and to so many areas, thanks to the IIJA.

I also appreciate you mentioning the issue of pipes and pipelines, because it is not something that is often as publicized in the context of our work, but we have been able to benefit the safety improvements that are needed on a number of pipes operated by smaller entities that might not be able to do that, otherwise, including one that I was able to visit in New Mexico.

And more broadly to your question, there are so many communities, neighborhoods, and towns that did not get their fair share

of the benefit of previous rounds of Federal infrastructure investment. And what is at stake when we talk about equity, when we talk about Justice40, when we talk about reconnecting communities is to make sure that this time is different and better—

Mr. CARTER OF LOUISIANA [interrupting]. And can I pause you right there, because I have 32 seconds?

Reconnecting communities is a very important point for us to segue. As you know, the Claiborne Corridor in my district, in LA02 in Louisiana, is a perfect example of a community that was divided because of an interstate that went through a once-thriving community of African-American businesses and home ownership. Totally devastated it. I know that we received some planning money to further look at that. I just want to continue to put that on your radar screen as what I believe would be a perfect example of how united communities can really work as an example for the rest of the world to see.

And lastly, in my final 3 seconds, I have talked to you multiple times about the little town of Gretna, a town that is a beautiful, quaint community that is threatened by rails to go through the community. I will continue to ask for your support in coming up with some meaningful ways to resolve and protect that neighborhood, while recognizing the importance of commerce. There have got to be better ways to go around the city instead of through the city.

Thank you, Mr. Chairman. I yield.

Mr. CRAWFORD. The gentleman's time has expired. The chair has been notified there is currently a series of votes occurring on the House floor. The committee shall stand in recess, subject to the call of the chair.

[Recess.]

Mr. CRAWFORD. Apologies for the interruption, Mr. Secretary, but I hope that it provided you at least a brief respite, which you probably needed. The Committee on Transportation and Infrastructure will reconvene the previously recessed hearing.

I now recognize Mr. Ezell for 5 minutes.

You got here just in time.

Mr. EZELL. Thank you, Mr. Chairman. Is it working? OK.

Thank you, Mr. Secretary, for being here today. I know it has been a long day, and I appreciate you being here. And I will tell you, I want to give you a thanks for—and the Department of Transportation—for its historic, significant investment in my home district in the State of Mississippi. Some of these investments include the Mega grant on I-10, and the paving, drainage, and bridge construction on State Route 57. While there is still much work to be done to improve my district's infrastructure, I appreciate the Department of Transportation's local staff, particularly Mr. Don Davis, who has been tremendously helpful. So, thank you for that.

As we know, improving our Nation's supply chain requires significant investments in our infrastructure, not just our highways but also our ports, such as the Port of Pascagoula and the Port of Gulfport in my district.

However, it is my understanding that, even with the increased appropriations, programs to support our ports such as the Port Infrastructure Development Program, are already oversubscribed. To

accomplish this goal, we need to incentivize private investment to complement Federal funds. I am excited to see private-public partnerships already in my district, such as the one between the Port of Gulfport and Ports America. This is why I, along with my colleague on the gulf coast, Congressman Carter, introduced bipartisan legislation that seeks to expand the uses of the Capital Construction Fund, enabling port operators to make the required upgrades to their cargo handling equipment without need for appropriated funding and at no expense to the taxpayer.

Do you agree that expanding the use of the CCF would grant our ports additional resources to be more efficient and provide a cost-effective solution to help address our supply chain issues?

Secretary BUTTIGIEG. Well, certainly that represents another tool in the toolkit at a very important time for supporting our ports and our supply chains. And if that bill were to be enacted, we would make sure that MARAD and our Department are working with you to implement it fully.

Mr. EZELL. Thank you.

Kind of a switch in topics here, our airports are required to match FAA Airport Improvement Program awards with a 90/10 cost share. Currently, the match on any AIP entitlement project is split as follows: 5 percent from the airport authority and 5 percent from Mississippi Department of Transportation.

Under the IIJA Airport Infrastructure Grants, AIG supports airport infrastructure enhancements and improvements. However, since many small hub and nonhub airports must already match their annual grant funds, they struggle to find the necessary additional match required to access funds made available under the IIJA.

Secretary BUTTIGIEG. So, when it comes to the match—and this reflects something that comes up often in different projects, that the project sponsor we most want to help may struggle to put up that match—the AIG match tracks the AIP match. So, it is the same requirement. But—and the reason I am consulting my notes, I want to make sure I get this right.

There are some other factors that aren't shown in that general 10-percent category that are worth bearing in mind. One is that if you are in a location with an EIS designation or if you are in a State with a historically large amount of public lands, that can accompany a discount. So, in practice, the matches can get lower, closer to 5 percent. But it does depend on the circumstances. And we recognize that what might seem like a small percentage can still be a big deal for the airport trying to get the project done.

Mr. EZELL. OK. Thank you, Mr. Secretary, and for your patience today in answering all these questions.

And, Mr. Chairman, I yield back.

Secretary BUTTIGIEG. Thanks, Representative.

Mr. CRAWFORD. The gentleman yields. Mr. Menendez.

Mr. MENENDEZ. Thank you, Mr. Chair. I want to let our colleague from Alaska know that we continue to think about her and her family and keep them in our thoughts.

Mr. Secretary, thank you for your testimony here this morning, now afternoon.

The Infrastructure Investment and Jobs Act has been instrumental in improving New Jersey's infrastructure, which received a C-minus on the American Society of Civil Engineers' 2021 Infrastructure Report Card. In formula funding alone, New Jersey is expected to receive over \$8 billion to improve our road and bridge infrastructure and over \$4 billion to improve public transportation options across the State.

The Eighth Congressional District, which I have the honor of representing, is a hub for transportation infrastructure of all forms, not just for our region, but for our country. Our district is home to some of the busiest commuter and freight rail networks in the country, the second largest port in America, Newark Liberty International Airport, ferries, and several major highways. We are also home to many exciting innovations such as Vision Zero, which seeks to eliminate all traffic fatalities.

This summer, the Hudson River Tunnel project was advanced into the engineering phase of the Capital Investment Grants Program. The importance of this project as part of the Gateway Program cannot be overstated. This section of the Northeast Corridor is the busiest in the country, handling over 450 trains per day and 200,000 daily Amtrak and NJ Transit passenger trips. It is the most important infrastructure project in the country, and I look forward to working with the Department of Transportation and State and local partners on furthering the Gateway Program and getting it done.

Given the approval of MTA's congestion pricing plan, increasing trans-Hudson commuting capacity has become even more important for my constituents, who are seeking to avoid additional taxes and tolls. The Northern Branch Corridor project would connect thousands of New Jerseyans to alternative trans-Hudson commuting options. Unfortunately, progress on this project was recently halted.

Mr. Secretary, what steps need to be taken for the Department of Transportation to continue to work alongside State and local partners on this important project?

Secretary BUTTIGIEG. Well, we want to make sure this project and every project can advance, and we act with our project sponsors to make sure that if there is any hurdle that we have control of, that we are working to clear it. And if there is any hurdle that the project sponsor is in control of, we don't just abandon them to figure it out on their own.

We really want to make sure that we are connected, especially when you have projects like you mentioned, that might be in one region but really have national significance in terms of their economic impact. And certainly, I would put this in that category.

Mr. MENENDEZ. Yes, I appreciate it. I look forward to working with you.

A&C Bus, a private bus company in New Jersey, recently announced they will be terminating the operation of its Jersey City bus routes, leaving residents of my community with few options. Jersey City is not the only municipality struggling to meet transit demands. This is a nationwide issue, with 45 percent of Americans having no access to transit.

What is the Department doing to increase public transit access in transportation deserts, including through more flexible options that address smaller scale transit needs?

Secretary BUTTIGIEG. Well, this is close to my heart, because I come out of a community that was large enough to need transit and have a transit agency, but not dense enough to have the kind of frequency or routes or funding that would be expected in larger cities. And so, we recognize that we need to do right by that large share of Americans that you mentioned that don't have regular and reliable access to affordable transit.

The simplest answer to your question is that with historic resources in the IIJA, we now have more funding available to support public transit than any time in U.S. history coming from our Department. Even so, it doesn't mean we can do everything everywhere, but it does mean that FTA is in a position to support communities that were not getting support before.

And I should emphasize that when we talk about something like equity, something like Justice40 criteria being incorporated into FTA's competitive grant opportunities, this is part of what is at stake, benefiting places that just haven't had those resources either because there is no service at all or because it doesn't have the reliability and the frequency to really become part of people's daily plans and, in turn, to get the revenue that would allow them to enter a virtuous cycle of more reliability and more frequency over time.

Mr. MENENDEZ. I would love to work with you on some of those projects for those types of communities.

The COVID-19 pandemic changed how Americans work and commute. Due to modified work schedules, transit ridership has changed to reflect changes in commuter behavior. While ridership levels have started to bounce back after the pandemic, many State and local agencies are struggling with revenue shortfalls resulting in service cuts, delays, and reliability issues.

What can Congress, working alongside your Department, do to support city and local governments that are navigating new trends in public transit use?

Secretary BUTTIGIEG. This is a real challenge and concern. I don't think it is an exaggeration to describe it as a fiscal cliff, and I believe its effects will begin to be felt acutely as early as next year.

We do have some provisions and flexibilities incorporated in our budget proposal that we think would help, but more is going to need to be done in order to help transit agencies have the bridge that they need into this new normal, where commuting won't be the way it used to be, but people will still very much need the means and the support to get to center city areas or other work-place-rich environments in ways that we can't just allow to be abandoned.

Mr. MENENDEZ. Yes, an extremely complex issue, but I appreciate your leadership on it.

And I yield back.

Mr. CRAWFORD. The gentleman yields. Mr. Bean.

Mr. BEAN OF FLORIDA. Thank you very much, Mr. Chairman. Good afternoon to you, and good afternoon, T&I Committee. Great to be here.

And great to see you here, Mr. Secretary. I have the honor of representing Jacksonville, Florida. You may think of, when you think of Jacksonville, the beaches, Jacksonville Jaguars, the great weather. But here is something that more and more Americans are thinking of: We've got the greatest airport, one of the greatest airports in the country. In fact, it serves all of northeast Florida, but southeast Georgia, as well. It supports over 26,000 jobs, has an impact of over \$3 billion.

Jacksonville Aviation Authority has been pursuing for the last decade a decade-long effort to modernize the facilities at the airport, including a new six-gate concourse, general improvements designed to reduce airfield congestion and enhance the safety of the traveling public.

But here is where it comes into your bailiwick, Mr. Secretary. The review process began in July 2022 with the preparation of a CATEX, and then FAA's subsequent reversal to require an environmental assessment. With the EA, the environmental assessment, now 60 percent complete, the FAA has unexpectedly paused the EA to study the potential impacts on navigational facilities at the airport.

Furthermore, JAA has learned that the FAA may not have the sufficient manpower to conduct a new study. So, we have got to get this off the back burner.

So, I ask you, Mr. Secretary, the logjam reflects the very problems that the Fiscal Responsibility Act is intended to resolve to facilitate more timely and efficient environmental reviews. Can we count on you and your team sitting behind you to work in a quick and efficient manner to get the EA back on track without further interruptions and ensuring the FAA has the manpower necessary to conduct the new navigational analysis?

Secretary BUTTIGIEG. Thanks. We will work with you to seek a way forward here. I know how important it is, and I understand the complexity of the issue, but we don't want to get in our own way when it comes to improvements that are needed at a fast-growing facility like Jacksonville.

Mr. BEAN OF FLORIDA. Right. I think the frustration is they haven't heard anything. And they have asked me, hey, let's talk to the Secretary about just somebody—I know you've got a whole team sitting behind you, but Jacksonville is ready to move forward, and we haven't heard from you. So, thanks for bringing that up.

I also have the honor of representing a lot of air traffic controllers. You have a big Jacksonville center right there. It is one of the busiest places. I have been there, I have sat with them. It is amazing, it is a very stressful job. Many are working 6 days a week because we are thin. You know that, we are thin. What can I tell them? I've got to go back and bring them greetings about what is our plan to bring in new people. What should I tell them, Mr. Secretary?

Secretary BUTTIGIEG. Well, thanks, Representative. You can tell them help is on the way, and that is part of what is in both the budget we have put forward and part of what is at stake in the reauthorization work. And we appreciate everything you and this committee have done on that. And we are at 1,500, that was our

hiring target this year, we were able to do that. Our budget is for 1,800 next year.

And you are right, Jacksonville is one of—outside of N90, which has been discussed a lot that covers that New York area, Jacksonville is one of those that is under the most pressure, sees a lot of growth and a lot of demand, actually well up above pre-COVID levels—

Mr. BEAN OF FLORIDA [interposing]. Right.

Secretary BUTTIGIEG [continuing]. In that Florida market.

Mr. BEAN OF FLORIDA. The challenge there is the storms come in, there is the space coast, and they have a lot of planes.

So, the help is on the way, but I also want to flag something, too. Part of the compensation that an air traffic controller receives is also how busy they are, how many—the rate of which they do their work. They can see they are sometimes getting paid less than other centers that are far less busy than them. I want to flag that to you, and perhaps there can be a fairness issue that you can oversee and make sure that they get—they just want to be paid equally across the Nation as that goes. So, you are aware of that now, too, which is good.

I have got a company that has asked me about Build America, Buy America program, which is great. We want to make sure American taxpayers fund American jobs. But what if there is no alternative? What if there is no alternative? What do you tell a company when there is literally nothing they can buy in America to complete their project, and it is stuck? What do I tell them?

Secretary BUTTIGIEG. So, what we are trying to do is move from these general waivers to more specific situations that contemplate those unique circumstances that come up. Of course, what we are shooting for is that over time there will be an American company that can meet that need.

Mr. BEAN OF FLORIDA. Right.

Secretary BUTTIGIEG. But we know that sometimes in the interim it just can't get done.

For example, we approved a waiver on a very specific piece of elevator equipment relevant to a bridge in Iowa. There was just no other way to get it done.

So, what I can tell you—and we could look more specifically into the context you are describing, but what you can certainly go back and say is that we are deeply committed to Buy America. We are going to be making it—frankly, we are going to be making it tougher, not weaker. But there is an element of common sense here, and we are going to work to try to make sure that the right kind of on-ramps and the right kind of considerations are there.

Mr. BEAN OF FLORIDA. Thank you, Mr. Secretary.

Mr. Chairman, I yield back. Thank you very much.

Mr. CRAWFORD. The gentleman yields.

Mrs. Sykes.

Mrs. SYKES. Thank you very much, Mr. Chair, and thank you, Mr. Secretary, for your willingness to be here and your stamina. I really appreciate you coming back to deal with us.

So, one of the reasons I wanted to be on this committee was because of—I am from Ohio. We are the heart of it all. We talk about all of the transportation networks and infrastructure that exists

that is failing like many other communities, and the ability to oversee the Bipartisan Infrastructure Law, and how it can be impacting not only northeast Ohio, where I represent, the entire State of Ohio, but, really, the country. You can get anywhere within a matter of hours from Ohio. And it is very important in our networks.

And whether I am thinking of the High Level Bridge that connects Akron to Cuyahoga Falls, the East Tuscarawas project in Canton, all of these are really critical projects. And I know the folks in Ohio's 13th Congressional District are yearning for an opportunity to share with you, Mr. Secretary, all of the exciting opportunities that you can fund and you can support through your position. And whether it is talking to operating engineers and local labor, we do hope to see you in Ohio in the near future. But I won't totally put you on the hook for answering a question in the affirmative, but I can feel like you want to be there.

I want to talk specifically about something that you mentioned in your opening comments: rail safety. And I want to—I appreciate your acknowledging and trying to call to attention this very important issue and some commitments from my colleagues here. I get questions about the administration and whether or not the response was active, was appropriate or not. And my response is always: I am a Member of Congress, and I am concerned about our congressional response to rail safety. And so far, it has been shameful and, quite frankly, disrespectful to the people of northeast Ohio and those who live in East Palestine.

There is a bill that is pending in this committee right now, a bipartisan bill being led by the Member who represents East Palestine, that has not had a hearing. We have been refused a hearing, from my understanding, and not only is it making people question the administration, it is making people question Congress and whether or not, in fact, there are people who are willing to support and fight for them.

And as you have acknowledged and recognized train derailments across this country, none—fortunately, not as detrimental and impactful as East Palestine, but with the potential to do so. I know you supported the Railway Safety Act in the Senate. There is just one more vote there. But it seems like as much criticism that has been based on the administration, Congress—certainly in the leadership here in Congress—deserves quite a bit of that blame.

So, if you could talk about what you would like to see in terms of rail safety, I know we are all supporters of the two-person crew. I know we are looking for new hazmat and materials, but what else can we be doing?

What should we be doing as Members of Congress in order to protect those across this country from real accidents like in East Palestine?

Secretary BUTTIGIEG. Well, thank you for the question, and I want to applaud your attention and your focus and your very real work on the issue of railway safety.

We are determined to continue doing everything that we can with existing authorities as an administration, and we have focused inspections, safety advisories, both on the hazardous materials side and on the Federal Railroad Administration side, pushing the railroad industry to join the Confidential Close Call Reporting

System, and a number of other actions that are within our purview.

But we need help from Congress. And some of the measures you are describing would make a big difference. If we had, for example, a higher statutory minimum for civil penalties against railroads that are caught in safety violations, that would make a big difference. Right now, there are caps created by Congress on the order of about \$200,000 for even egregious, fatal violations. And there are so many cases where a derailment, whether fatal or not, whether it has hazardous material release or not, could have been prevented. And I believe more teeth in our enforcement made possible through a change in the minimum fines would make a difference.

We believe the minimum crew staffing is important. We would welcome Congress establishing that. But we are not waiting for Congress. We are going to continue to work on the rule that was frozen in the past administration to establish the principle that at least two people need to be on a train, especially as they get to be 2 or 3 or more miles long.

I think rail safety R&D would be welcome, make sure we have more funding for the development of safer tank cars, continue to develop the technology around wayside defect detectors, and other technologies that could make a difference.

And we want to make sure that those tank cars are adopted more quickly, the safer, stronger tank cars are adopted more quickly than the timeline that they are currently on.

Those are just some examples of what we believe partnership from Congress would go a long way toward accelerating.

And again, I welcome and appreciate your bipartisan work on getting something done.

Mrs. SYKES. Thank you.

Mr. Chair, I yield back.

Mr. CRAWFORD. The gentlewoman yields. Mr. Duarte.

Mr. DUARTE. Hello, Mr. Secretary. Thank you for joining us here today. Good to have you, and I am impressed that you are answering the questions directly, and not spinning off to assistants on each side of you as sometimes we get.

Secretary BUTTIGIEG. I am doing my best, thank you.

Mr. DUARTE. So, good to have you here.

Under the Clean Air Act, the Administrator of the EPA sets what are called National Ambient Air Quality Standards.

My district in California is California 13. It goes down a stretch of the Central Valley, from east of San Francisco down towards but not to the base of the valley at Bakersfield. We have challenging attainment because of geography. We are a bowl with the air flows. We also have challenging attainment because we are at the back end of a venturi of air quality emissions that comes in from the much larger bay area metropolitan area, and probably makes up historical numbers. I have understood about 28 percent of our particulate matter is outside of our control.

But given that we are the air basin out of attainment, we do everything we can within our basin to correct that, but we have no control over what goes on in the city. So, I would ask that you work with the EPA and see if we can get the same attainment standards and compliance standards set for the bay area that impacts our air

quality as we have to achieve within our basin, since they are impacting us.

We are also—Voting Rights Act—66 percent Hispanic, disadvantaged community. As districts go, we have got the 18th highest poverty level in America, and we think we deserve a special consideration, as you have mentioned earlier, for some of those factors.

Currently, because we are out of attainment, we filed the reports, we filed our information for waivers, but we are still being threatened with a \$4.5 billion loss of highway maintenance fees, funds, because we are not in compliance, and because the EPA hasn't reviewed, within 24 months of submission, our waiver request. So, I would very much appreciate it if you would engage the EPA and ask them to review our waiver request, make whatever comments they need to, but get us that \$4.5 billion in highway maintenance funds lest we lose them permanently and have even further problems.

I want to talk a little bit about the California bullet train that goes through my district that is cutting up my farms, that is cutting up my district's highways, that is giant concrete platforms raised way above our rail, way above our freeways, disconnected from each other, sitting there like large, useless monoliths.

I appreciate other folks in the room here talking about high-speed rail and their desire for it in their communities. Our high-speed rail goes from Merced in my district of about 90,000 people if we stretch a bit, the city of Merced, down to Bakersfield when finished, which is about 400,000 people. It travels through the city of Fresno, the largest city in that corridor at half a million people.

There are no current engineering plans for the high-speed rail, the California high-speed rail project, to go over the Tehachapis to reach Los Angeles. There are no current engineering or budget plans for the high-speed rail to go over the coastal range to get to Silicon Valley or San Francisco. This, Mr. Secretary, is a useless project, and it is in the way of us widening our highways.

We are a very significant transportation corridor between San Francisco and L.A. up and down the west coast. Both Highway 5 and Highway 99 go through our area. You can see major warehouse construction from all types of firms happening in my district. So, please look at the California high-speed rail with some suspicion.

I would add to an inspector general's report that you may request. Please do a carbon study, and look at the construction costs, the construction resources, the curing of the concrete, the steel, the energy it would take to run the rail, and calculate for yourselves, by your own standards, what passenger ridership would this rail system need as opposed to automobile travel to ever offset the carbon impacts of its construction and operation alone. And I would suggest that this high-speed rail project is not anywhere near even carbon neutral. It is, in fact, a net carbon contributor to our atmosphere.

So, thank you for listening to that. I know I am not giving you much time here.

I will ask you one thing. Does it trouble you that the Federal Government is giving subsidies to electric vehicles produced, through broad media outlet reports, by slave labor around the

world, whether it's the mining in Congo or it's the factories in China?

We are subsidizing electric vehicles produced with slave labor, and I would like to put a stop to that. I will let you have the last comment.

Secretary BUTTIGIEG. Well, thanks. On the first piece, I would welcome the opportunity to engage EPA and see how we can be helpful there.

On the second, I haven't seen the latest computations of a carbon inventory, but take the point that that would be an important exercise.

And on the third, look, we want to make sure that there is a made-in-America EV industry, and would love nothing more than to see domestic sourcing on everything that we need. The battery chemistry hasn't completely stabilized yet. I think EVs 10 or 20 years from now may look a little different than they do today.

Mr. COLLINS [presiding]. The gentleman's time has expired.

Secretary BUTTIGIEG. But we are certainly investing on more domestic production.

Mr. DUARTE. Thank you—

Mr. COLLINS [interrupting]. The Chair now recognizes—

Mr. DUARTE [continuing]. Mr. Chair, I yield back.

Mr. COLLINS. The Chair now recognizes Mr. Payne.

Mr. PAYNE. Thank you, Mr. Chairman, and, Secretary, good to see you again. It is always a pleasure being in your presence, and I want to commend you for the amazing work that you have done to this point in our transportation infrastructure moving forward in a positive manner. You have been a tremendous leader, very thoughtful to both sides, and we appreciate that. And thank you for your testimony here this morning during the Rail Safety Week.

I also want to thank you for the work you and the administration have done to ensure funding provided in the Infrastructure Investment and Jobs Act finds its way to critical projects that impact my district, such as the Gateway Program, which will have a generational impact on the greater tristate area.

Coincidentally, you are joining us as some of my colleagues threaten to shut down the Government unless they get drastic funding cuts to programs like Amtrak. The House Republicans' fiscal year 2024 Transportation, Housing, and Urban Development appropriations bill cuts funding for the Northeast Corridor by an astonishing 92 percent. Yes, 92 percent. What impact would a Government shutdown or cuts proposed by my colleagues have on projects like the Gateway Program?

Secretary BUTTIGIEG. Well, thanks for the question, Representative. There is no doubt that a shutdown would negatively impact U.S. transportation.

One clear and present example is we have had a lot of discussions this morning about making sure that air traffic control staffing is at adequate levels. A shutdown would halt air traffic control training at the very moment when we need to be doing more and not less.

Also harmful to U.S. transportation would be some of the cuts that are being talked about as a condition for keeping the Government open. I am not sure of the very latest proposals in recent

hours, but some of what I have seen in the runup to this debate has included provisions that would cut railroad safety inspections, as though we had learned nothing from the Norfolk Southern derailment in East Palestine about the importance of railroad safety inspections.

It could also interfere with the modernization of important FAA technology. We saw how the effect of a ground stop lasting less than 2 hours on 1 day caused havoc in our system. That was due to an issue with just one system within the FAA needing modernization. There are several, and funding cuts and/or a shutdown would not be helpful in our efforts to modernize that technology and get things headed in the right direction.

Mr. PAYNE. Railroad safety, that's not important to the commuters in this country. They don't use the train, so, what does it matter?

But there are millions of people every day that depend on railroads and trains and Amtrak and local train systems to get back and forth to work. And so, I think we need to take that very seriously, because if a major catastrophe, God forbid, happens, then they will all be standing there wringing their hands. What did we do? Why didn't we do anything? And they won't remember that they decided to cut like that.

I also mentioned that it is Rail Safety Week, and it's important to point out that we have yet to hold a hearing on rail safety since the derailment in East Palestine, Ohio, 229 days ago. We still have not had anything with reference to that.

So far, Class I freight railroads have yet to join the Confidential Close Call Reporting System, despite public promises by every one of them to join it. It is time for Congress to require that freight railroads participate in the Confidential Close Call Reporting System.

What do you think, sir?

Secretary BUTTIGIEG. Well, thanks. Let me applaud, first of all, your work and leadership on advancing the Railway Safety Act. And you're right, it has been more than half a year since the Norfolk Southern derailment in East Palestine, and we still have not seen that legislation advance.

We are doing everything that is under our Department's authorities, including safety advisories, focused inspections. We have gotten all the Class I railroads to say they are going to join the Confidential Close Call Reporting System, but none of them have actually done so. So, we clearly need the tools to be able to do more. Legislation would help us to do that, and we would welcome such legislation.

Mr. PAYNE. OK. Well, I am being—my time is expired, and I yield back. Sorry, sir.

Mr. COLLINS. That is all right. The Chair now recognizes Mr. Mast for 5 minutes.

Mr. MAST. Thank you, Mr. Chairman.

Mr. Secretary, I want to talk about a couple of issues. You and I have spoken about some of them before, but I want to get some updates on them.

You and I spoke about—high-speed trains have been brought up a lot today. The Brightline train in Florida, a regional passenger

train, goes over the same track as the freight, the regional freight train. Florida East Coast Rail runs through one of my towns, Stuart, single-tracked, runs about the—I want to say 32 to 36 high-speed trains a day, 14 to 20 freight trains a day over a bridge that takes 15 minutes over that to go from open to closed to back open, essentially close off the waterway.

I know there has been a request for a Mega grant there to help build a new bridge so that they don't hold the waterway or the roadway hostage. Applications, according to my notes, were submitted by August 21. Do you know when Mega grants are going to start coming back in terms of responses to those?

Secretary BUTTIGIEG. So, in terms of the Mega program, which I think is the one that that is in for under review right now, I don't have a date yet for you, but we are certainly in the process, and closer to being able to announce the awards there.

And more broadly, I appreciate the work that has gone on. You have certainly put that bridge and that issue on our radar, and we continue to be in dialogue with the players—Coast Guard, everybody who is involved—to try to encourage a good solution, even as there is also a proposed construction solution that would mitigate that kind of conflict.

Mr. MAST. You guys are working on it. That is what I understand.

Secretary BUTTIGIEG. We are.

Mr. MAST. Very good, thanks. I want to switch gears.

Last conversation you and I spoke about in this hearing room July 19, 2022, 428 days ago, I brought up the trucking—switching to truck driving here—COVID-19 drive-time hours of operation. And at that time, we had discussed it briefly. You hadn't necessarily had the time to digest whether there were safety issues associated with the drive-time hours that people moving COVID goods had, those safety records, as opposed to those moving Cheerios or something else. Have you had time to digest that?

And can I just ask you, where do we stand on a permanent implementation of COVID-19 drive-time operation hours, which have essentially been withdrawn from every place that I know of at this point?

Secretary BUTTIGIEG. So, I have asked FMCSA to look into any and all data that has come through that exception, the period when that exception was in effect, to better understand it. I can't say that enough data has come through, in our view, to justify loosening the standards yet, but I am not foreclosing that we couldn't learn something from that.

We are trying to make sure that we get the information we can without creating reporting requirements that are additional that we don't have the authority to do on who is carrying what, but still take seriously the point that you raised when we talked about this last.

Mr. MAST. My friend, the chairman up here right now, could speak much better than I could speak about this right now, being in the trucking industry. But he could give you the math that if you are adding a couple hours of drive time—and it has been proven to be safe—to the congruent of all drivers across the road, then how many drivers have you essentially added over the road?

And so, maybe he will speak about it as another point, but it is a conversation that we have. It is very important to getting goods to just simply cost less for all Americans, right? We are making it more affordable to get things moved over the road, which should be something that we all share as a worthy goal.

So, I want to stay with truck driving and want to stay with working to make things more affordable across the board. And just to ask a more pointed question, is preventing drivers that are 21 years old from moving interstate commerce, is that age discrimination? In my opinion, it is.

Secretary BUTTIGIEG. I don't view it that way because the age requirements we have—in the same way that we have age requirements around getting a regular driver's license—are informed by safety data about the likelihood of fatalities.

Now, as you know, we've got a pilot—

Mr. MAST [interrupting]. You can get a driver's license at 16 or so, depending on the State you are in, right?

Secretary BUTTIGIEG. Yes, but I don't know why that is not age discrimination and 21 for truck is.

Mr. MAST. You are not an adult at that point. At 18, you are an adult.

Secretary BUTTIGIEG. Sure, and at 22 you still can't rent a car in most places. The kinds of—

Mr. MAST [interrupting]. At 22 you can't what?

Secretary BUTTIGIEG. You can't always rent a car.

Mr. MAST. Rent a car.

Secretary BUTTIGIEG. Right.

Mr. MAST. Well, we could argue whether that is age discrimination, as well.

Secretary BUTTIGIEG. I suppose we could. I guess my point is in that argument. I would say no, because it's backed by data.

Mr. MAST. Yes, I—data about safety doesn't make it not age discrimination, in my opinion, giving my opinion. So, I think it is something that you really need to look at, because there are people that are adults that come out of school, they want to get into the great world of moving things over the road, of trucking, of being entrepreneurs, starting their own business or going to work for somebody else because they have got a CDL, and they are literally prevented from doing so in many cases—there are some cases within States that drivers can do that—they are prevented from moving interstate commerce, which can essentially render them a moot point in the truck-driving world.

So, again—my personal opinion, and I will wrap it up—it is age discrimination. I hope that the administration can look at it and review it in that way in part.

And I thank the chairman for the time. I yield back nothing because there is no time left.

Mr. COLLINS. The gentleman yields back. The Chair now recognizes Mr. Ryan for 5 minutes.

Mr. RYAN. Thank you, Mr. Chair.

Thank you, Mr. Secretary, for being here. I want to personally thank you and your whole team in particular for your very rapid and indepth response to the major flooding disaster that we had in

and around West Point in the Hudson Valley in New York, your personal engagement, your whole team.

One anecdote I just want to share with that that I think is so important, there was a major bridge closed, the Popolopen Bridge, on Route 9W just south of West Point. Thanks to your team's work and the State and local partners, it was reopened weeks earlier than had been anticipated. As I am standing there at the reopening, an ambulance that wouldn't have been able to cross that bridge, comes across. The local police chief said there is a heart attack victim in that vehicle, and their odds of surviving that were dramatically increased. And that is just one example of the impacts of working urgently in crisis. So, I just want to commend you and your team for that, as well as the State and local officials.

I also want to thank you and recognize Kingston, New York, my hometown, and in my district received the single biggest Federal grant in the history of our city, one of the RAISE grants to dramatically revitalize our downtown waterfront area and make it more climate resilient along the Hudson River, but also lift economic activity, provide housing. And that is one of the many examples of the Bipartisan Infrastructure Law in action in our community.

And you talked about this earlier. What may feel like a relatively small grant to some bigger cities and municipalities in my rural district is a big, big deal. So, I just want to commend you and the whole administration. Thank you for your partnership on that.

The question I have, another pretty micro local—which I know you can appreciate, given your background—the Hudson Valley is rapidly growing. Our economy is growing. We have more population coming. Thanks to the CHIPS Act, we are seeing IBM make a \$20 billion commitment in quantum and semiconductors in the area. We are seeing clean energy battery storage companies come, thanks to the Inflation Reduction Act.

One of our biggest holdups is our regional airport. Technically, it is an international airport, Stewart International Airport, 60 miles north of New York City, former Air Force base. That is one of the both constraints right now, but I think a huge opportunity for our region, for the Greater New York metro, as more and more volume comes through the system there.

So, I just wanted to ask for your commitment, and your team's, to work with us on that to figure out, across Bipartisan Infrastructure Law and other opportunities, your help and support to bring that airport to the next level and any advice and thoughts you have on that.

Secretary BUTTIGIEG. Well, thank you. And the issue of small and regional airports is close to my heart, coming from where I come from, and I recognize the economic potential that can be unlocked by having strong airport infrastructure not just at the very biggest, most famous global airports, but the ones that really matter to regions, as well.

And so, whether it is the Small Community Air Service Development Program or the Essential Air Service program or other resources that we have, including eligibilities for our discretionary grants—I mentioned that in my testimony, one of those grants

went to a community of 2,500, but their airport is everything to them—we want to make sure we are there for facilities of all sizes.

So, I certainly would welcome working with your office to identify potential funding streams, whether it is through the more routine aviation-specific programs or other discretionary resources that could make a difference to Stewart.

Mr. RYAN. Well, I really appreciate it, Mr. Secretary.

This has been talked about, but I want to also just emphasize again, from my and my district's perspective, the rail safety issue, to commend you and your team already for the work, and leaning forward with good, sound, pragmatic recommendations to join in the chorus of my colleagues saying Congress needs to step up and focus on this.

One very compelling example in our district. I have 128 miles of CSX freight line that runs up the Hudson River coast from New York City. Not only is there a significant risk of repeating a Norfolk Southern-type incident, but we have had a history of very dangerous and nearly deadly spills, including toxic substances, tons of toxic substances that then flooded into the Hudson River, part of the water supply for our biggest city in the United States of America. So, I know you are already supporting this, but I just want to add to that chorus.

Finally, with the 25 seconds I have, I won't make you answer this, but I am just curious. I know I heard you completed a half Ironman a weekend or two ago. I won't ask if that was more grueling or this, but I do want to commend you for staying here and answering our questions, and all of your great leadership and work. So, thank you.

I yield back, Mr. Chair.

Secretary BUTTIGIEG. Thanks very much.

Mr. COLLINS. The Chair now recognizes Mrs. González-Colón for 5 minutes.

Mrs. GONZÁLEZ-COLÓN. Thank you, Mr. Chair.

Good afternoon, Secretary, and happy to have you here. As you may be aware, Puerto Rico received a D-minus score by the American Society of Civil Engineers scorecard published in 2019 because the bridges, ports, and roads are among the lowest grades per individual category.

Last month, the administration shared that approximately \$383 million had been announced for roads, bridges, roadway safety, and major projects under the infrastructure law. Similarly, Puerto Rico has received close to \$100 million for airports and ports and waterways, and this is much welcome investment, and it is much needed in my district. Actually, I was one of the people who voted for that bill in this committee.

However, my concern with all Federal investment in critical infrastructure, specifically those of this size, is delays. And could you please work with my office to understand the amount of funds that your Department has allocated through the infrastructure law per program, per year, and the amount that has been expended?

And of course, learning of allocations is one thing, but I remain focused on making sure these funds are out of the door as soon as possible. So, if you can provide the committee in the next 2 weeks, 3 weeks, a finalized list—not the ones that I know they are work-

ing on right now, but the final list with the reports—I will really appreciate that.

Second, according to press reports from Puerto Rico, the island will use \$70 million in Federal funds to finance and design the construction of four new ferries that will transport passengers to the noncontiguous municipalities of Vieques and Culebra. They are two small islands at the east part of the island. The announcement was made in the local press yesterday, and I would like to request that you or your staff work with us while retaining proper oversight of the use of the funds, because those noncontiguous municipalities rely on safe and efficient ferry services to conduct every single activity, from buying goods, food, healthcare, work, education, appointments, among other activities. And the ferry system is also supporting the transportation of cargo to and from Vieques and Culebra and the contiguous municipalities. That will be my second request.

I know I have got limited time. The next one will be in terms of—I know the country continues to feel the financial constraints of inflation and related issues and these delays of construction work and the use of funds appropriated by Congress in the past to address the Nation's transportation infrastructure needs. But how is your Department working with State agencies and stakeholders in noncontiguous jurisdictions, like my island in Puerto Rico, who rely heavily on imported materials to shorten wait times and approval of proposed plans and expedite work as much as possible?

I would love to know if you have noticed that those are the biggest challenges to Territories, accessing those funds by your Department, and what steps is your Department making to mitigate this?

Secretary BUTTIGIEG. Well, thank you for those questions, and I certainly welcome the opportunity to work with you and your office to make sure that these funds benefit Puerto Rico. We are thankful for your support for the funding being available in the first place, and certainly recognize the unique challenges for noncontiguous Territories and States when it comes to project delivery, including what you mentioned, which is that in an inflationary environment, every day counts in terms of getting the money out and getting the projects done.

So, we are engaging the project sponsors and the DOTs with technical assistance. We are trying to make the processes simpler in the first place. We are trying to batch communities into cohorts when we can. Anything we can do to just simplify processes and get things moving.

I know that in particular you mentioned Vieques and Culebra, and they have the Marine Highway designation, which has helped make new eligibilities available, and I would continue to work with you to make sure that they are getting the support that they need, including consideration for important grants.

And more broadly, in terms of getting you the information, we definitely want to make sure that there is clear visibility on all of the steps that the grants have to go through, and how to make those steps faster, because I just had a delegation not long ago from Puerto Rico come to visit. I know the excitement and the impatience that comes when you get good news about something like

the PR-2 improvement project, but want to be driving on that road. And of course, we want to be there to celebrate the completion of the project, too.

Mrs. GONZÁLEZ-COLÓN. Thank you. I need to just notify you that before I finalize my turn, I would like to add that I am working to address the issue of the commercial driver's license in Puerto Rico through my bill, H.R. 919, and I hope to continue to work with you and your staff on this initiative to increase passenger safety and improve standards for testing commercial motor vehicles back home, which is an important issue.

And I know my time is over, so, thank you, Secretary, and I yield back.

Secretary BUTTIGIEG. Thank you.

Mr. COLLINS. The Chair now recognizes Mrs. Foushee for 5 minutes.

Mrs. FOUSHEE. Thank you to the chairman and ranking member for holding this hearing today.

And thank you, Mr. Secretary, for being here for what appears to be all day.

We have already heard about several wonderful projects in districts and States across the country made possible because of the Bipartisan Infrastructure Law, and North Carolina is no exception. From airport improvements to highway widenings, pedestrian greenways to bike lanes, North Carolina is poised to receive over \$6.6 billion in BIL funds for projects like these and many more.

One project in my congressional district that I would like to highlight is the city of Durham's low- to no-emission award of \$5.7 million to buy battery-electric buses to replace older diesel vehicles. These new vehicles will provide clean transit along routes that serve a high percentage of minority populations. So, thank you, Mr. Secretary, for your work on the BIL. These funds are truly making a difference in our communities, despite what we hear from some of our colleagues.

Those of us on this committee know that transit is the great equalizer. Having access to reliable, affordable, accessible public transportation can be the difference between opportunity and isolation for many members of our communities. That is why programs like the Areas of Persistent Poverty, or the AOPP Program, which awards funds to improve public transportation in areas experiencing long-term economic distress, are so important. I was glad that two towns in my district recently received AOPP funds to increase mobility for economically disadvantaged folk in NC04.

So, Mr. Secretary, can you explain any plans the Department has to expand the Areas of Persistent Poverty Program and others like it, and how not fully funding the agency's request would impact these programs?

Secretary BUTTIGIEG. Well, thank you for the question. And as you said, these transportation connections can be a lifeline for families and communities that need them and can bridge them to opportunity.

In July, FTA announced about \$20 million, benefiting 47 projects in 32 States through this Areas of Persistent Poverty Program. I should note that we got \$36 million in requests, so, it is a high-

demand program. We got about \$2 of request for every \$1 we were able to say yes to.

And I know these awards might be viewed as a relatively small amount in the context of the IIJA, but we know they were incredibly important for those communities which are among the most underserved communities and very deserving of equitable opportunity.

Because the Appropriations Act of 2021 was the last year that funded this, in the future, communities will miss out on the opportunity for that kind of funding unless it is restored. And of course, if it were to be restored and the funding were to come from Congress, we would welcome more opportunities to work with more communities to get those dollars out the door and make those residents better off.

Mrs. FOUSHEE. With all the funds available to our communities from the BIL and the IIJA, I have heard from many towns and counties in my district, particularly in rural areas, that they don't even know where to begin accessing these funds. They worry that they can't be competitive against larger municipalities and would miss out on funding for much-needed transit and infrastructure projects.

So, can you talk to us about how the DOT is prioritizing our rural communities, particularly when it comes to awarding funds, and what programs are available specifically for our rural communities?

Secretary BUTTIGIEG. Well, thank you. This is part of what we mean when we talk about equity: making sure that communities that have been excluded—and that can include communities of color, and it can certainly include rural communities—get a fair shake. And often, rural communities have fewer resources to be able to, for example, hire somebody to track every day what Federal opportunities are coming along. We don't want that to be an unfair disadvantage, which is why we have set up our own capabilities in the Department.

For example, our team, our ROUTES Team, which is a team that specializes on rural-focused work within our Department, has conducted a number of virtual events so that people who don't maybe have a travel budget to come to Washington, can tune in, get their questions answered.

And they have done more than 200 debriefs with an applicant when they come in trying to get a project done; they compete, but they don't quite make the cut. We let them know how to be stronger for the next time around and have a better chance of getting funded.

We also had the Rural Surface Transportation Grant Program. That is a rural-specific program created by the Bipartisan Infrastructure Law, and we were able to, just this year alone, put \$675 million out for communities to apply for—specifically for rural communities. And we are working to make sure that rural applicants do well in those broader discretionary competitions.

So, it is very much on our mind, and we welcome the chance to work together on that.

Mrs. FOUSHEE. Thank you, and I yield back.

Mr. COLLINS. The Chair now recognizes Mr. Mann for 5 minutes.

Mr. MANN. Thank you, Mr. Chairman, and thank you for being here today, Secretary Buttigieg. I am Congressman Tracey Mann, and I represent the "Big First" district of Kansas.

Mr. Secretary, the Department of Transportation has failed repeatedly to comply with congressionally set deadlines. One of these delayed decisionmakings has a significant impact on communities in Kansas like Hays, Dodge City, Garden City, Liberal, and Salina, as well as several rural communities across America.

SkyWest Airlines is still awaiting a decision regarding its decision or its plan to create SkyWest Charter to operate flights in small communities. Mr. Secretary, what is the timeline for a decision from the Department of Transportation?

And would you commit to that timeline in writing in the next 2 weeks?

Secretary BUTTIGIEG. So, I can tell you that that is under active consideration. I can't comment on the merits of the application because it is being reviewed right now.

I recognize the importance of that application. It entails both economic and safety authorities that have to be considered, and it requires a very thorough and conservative look. So, I don't—I am not in a position today to make news about the date of a disposition of that, but I can tell you that it is under active consideration.

Mr. MANN. Understood. But just understand we need to make—we need a decision for those communities that don't have air service right now or have air services being jeopardized. And I understand you can't commit or talk about the merits of it, but I would like to see a commitment of some sort and a general timeframe on when we might get a decision, because this delay is really hurting our rural communities, which are often disadvantaged, as was mentioned earlier.

The second question, Mr. Secretary, I have heard that the time to resolve NEPA and historic preservation concerns has increased over the last couple of years. The length of time for approval seems to depend on the lead staff member assigned to review the project and not the law.

Mr. Secretary, what are you doing to ensure that this process is speedy, unbiased, and uniform across the Department?

Secretary BUTTIGIEG. We want to get projects done, and an important part of getting projects done quickly is to move promptly through the NEPA process. I would want to spend a little more time understanding some of the data you are referring to because we believe we have been able to mark a downward trend in terms of the number of years to complete an EIS in recent years. But I recognize there are many different ways to slice the same data, and the point is just to get it done.

Mr. MANN. Yes.

Secretary BUTTIGIEG. I should note that about 95 percent of our projects are categorical exclusions, so, they don't even have to go through an EIS or an EA. And part of what we are working to do is connect our categorical exclusion authorities to other departments when they exist, just to create a smoother path to get through there.

I also embrace the spirit of the concept of the shot clock, trying to make sure that we set ourselves a goal, often 2 years. And that

is at the outer limit, it doesn't mean you want it to take 2 years. It means the biggest, most complicated projects you understand it might take that.

Sometimes part of what adds to a NEPA timeline is the readiness of the project sponsor. In other words, the State, the transit authority, the airport. But we don't want to treat that as an excuse that says that just because we are waiting for them to prepare something we have no responsibility to help them get it done.

And so, what we want to do, in addition to having easy-to-understand, transparent, and simple processes, is to take a little bit of responsibility for guiding project sponsors, especially rural communities who maybe haven't done a NEPA before, through the process. That is where the technical assistance and some of the other handshake—I would describe it as handshake programming—that we have could come into play, as well as the formal regulatory updates.

Mr. MANN. Great. Well, I appreciate that. And then in that same vein, what are you doing to ensure that the Department is complying with the streamlining provisions that were included in the Fiscal Responsibility Act, which we signed this summer?

All this is getting at the intent, which is to speed up these permitting processes, which in fact, would reduce cost in these projects. And I think folks—in Congress, you are speaking whether they voted for or against the transportation bill. Let's make sure that we at least get as much lead on the target as we can to build infrastructure in this country. The NEPA permit seems to pull from that needlessly many, many times.

Secretary BUTTIGIEG. Thanks. Yes, I hear that loud and clear. And actually, just today, the Federal Register will show one of the first cases in which a department was able to do a joint categorical exclusion created by that Fiscal Responsibility Act. It's an area where we do a CE jointly with the Department of Energy, and I think we can do more where that came from. I really do. We're not out to short any important procedural or policy or legal requirements, but we don't want anything to take longer than it ought to.

Mr. MANN. Yes, yes. I agree wholeheartedly.

Thank you, Mr. Chairman. With that I yield back.

And thank you again, Mr. Secretary, for being here today.

Secretary BUTTIGIEG. Thanks.

Mr. COLLINS. The Chair now recognizes Ms. Hoyle for 5 minutes.

Ms. HOYLE OF OREGON. Thank you, Mr. Chair.

And thank you, Mr. Secretary, for being here. You already know how much the State of Oregon wants to be part of the solution to the supply chain crisis by expanding the Port of Coos Bay, so, I am not going to talk to you—uncharacteristically, I am not going to talk to you about that today.

Secretary BUTTIGIEG. I would be shocked if it weren't at least mentioned.

[Laughter.]

Ms. HOYLE OF OREGON. Today, I want to talk to you about an issue that is impacting rural communities across the West as we are coming out of another devastating wildfire season due to the droughts brought about by climate change that cost taxpayers billions of dollars in what has become the new normal.

We have many small airports like the one in Oakridge, Oregon, in my district, which is right at the base of the Cascade Mountain Range and in the heart of the Willamette National Forest. It's Willamette, like damn it, right? And they are used as a base for aerial firefighting operations, and more so, as we have moved to aggressively fight fires to keep them from getting out of control, especially when they are near the wildland-urban interface.

The Oakridge Airport, like many of these airports, was originally designed for timber operations and not heavy firefighting equipment. So, this earlier intervention saves billions, but these airports need help. For instance, Oakridge State Airport is at the end of its lifespan, in spite of constant investments in upkeep, and has major structural failures, including erosion of the base material, cracks on the runway that occurred because of the use of heavy wildland firefighting support equipment.

So, we are at the end of the season, we found this out, we need to fix it before next season or people could die, we could lose homes, bad things happen. The Oregon Department of Aviation estimates it would cost \$2.6 million to upgrade the runway for heavy firefighting use, and that's a small investment, but it shouldn't be borne just by the State and our rural communities because this is in the middle of a Federal forest.

So, my question to you is: How can you work with us and all the other small rural airports across the West, and what programs are available to help make these needed upgrades to our rural community airports and allow us to adapt to the extreme fires that we will continue to experience, unfortunately, because of climate change?

Secretary BUTTIGIEG. Well, thanks for pointing up yet another example of how resilience creates new urgency when it comes to keeping our infrastructure up to date. And without knowing everything about the facility that you have described, I can commit to working with your office to try to identify some of the funding sources that they might be eligible for, whether it is AIG, AIP, maybe even the Terminal Program, depending on some of the dual uses that go on, or other programs that exist.

Given the timelines you are talking about, I would also be interested in examining whether there are any emergency sources of funding or authorities that could be outside of our own normal set of resources, but that we might be able to play some kind of helpful technical role in accessing, because we do want to—we recognize that the use of these smaller airports is not just recreational. Whether we are talking about medevac or whether we are talking about firefighting, it can be really a life-or-death issue to make sure that they are in good shape. And we want to make sure that every community has the airport infrastructure it needs in order to succeed.

Ms. HOYLE OF OREGON. Yes, and thank you, and I look forward to working with you. I just think we do have a new normal, and what we have done certainly in Oregon and northern California and Washington is start addressing these fires earlier during the wildfire season, so that before they get completely out of control—and then, make everything more fireproof in the off season, but without these small airports.

And again, I so appreciate you understanding the importance, because we can't leave our rural communities behind. It is very critical. And it is just a matter of time until we have another Paradise. So, thank you so much, I am looking forward to working with you. I yield back, Mr. Chair.

Mr. COLLINS. The lady yields back. The Chair now recognizes Mr. Burlison for 5 minutes.

Mr. BURLISON. Secretary Buttigieg, since taking the role, you have traveled quite a bit, including private flights. How often do you take private flights?

Secretary BUTTIGIEG. So, I assume by private flights you mean the use of Government aircraft assigned to my agency. And I knew this might come up, so, I brought some numbers.

Since getting this job I have taken—these are estimates, give or take a couple, but I have taken 638 flights—

Mr. BURLISON [interrupting]. And are any of those commercial?

Secretary BUTTIGIEG. Say that again?

Mr. BURLISON. Are any of those commercial?

Secretary BUTTIGIEG. 607 of them were commercial, 10 of them were on military aircraft such as Air Force One, and 21 of them were on FAA aircraft, representing about 3 percent of the flights.

Mr. BURLISON. There was a Freedom of Information Act request made of your office to reveal the costs of the travel. Have you provided those costs?

Secretary BUTTIGIEG. I would have to check back with the office to see how the—on the traffic. But I can tell you that, yes, we are going to complete—

Mr. BURLISON [interrupting]. Because I understand—

Secretary BUTTIGIEG [continuing]. Comply with all FOIA requests.

Mr. BURLISON [continuing]. It has been months, and you have not provided the financial numbers for that travel.

Secretary BUTTIGIEG. OK. Again, I can check on the status of the FOIA request, but I can also—

Mr. BURLISON [interrupting]. But you will commit to providing that information?

Secretary BUTTIGIEG. We will always comply with FOIA. But I appreciate the chance to discuss this, because I can't help get the sense that some people want to make it sound as if I don't travel—

Mr. BURLISON [interrupting]. Mr. Secretary—

Secretary BUTTIGIEG [continuing]. Most of the time on commercial aircraft, which, of course, is untrue.

Mr. BURLISON. Yes. Mr. Secretary, I think the irony for most people in my district is that they are being told that they are going to have to convert to electric vehicles to reduce their carbon footprint, and yet not everyone gets to travel the way that you do.

Secretary BUTTIGIEG. Just once again, the way I usually travel is in economy class aboard an airliner like everybody else. When we do it differently, it is often because it will save taxpayer money.

Mr. BURLISON. I want to get on to—

Secretary BUTTIGIEG [interrupting]. I am so glad you asked this, because I am kind of excited to share some of the details—

Mr. BURLISON [continuing]. Secretary Buttigieg, I want to ask—

Secretary BUTTIGIEG [continuing]. And put some—

Mr. BURLISON. I want to ask, you have done some—you have had some interesting policies since you have taken office. Some of them include that you spent \$1 billion to fight against racist highways, which is befuddling to me. You are forcing training manuals that divide Americans. You have climate policies that appease the radical environmentalists. You renamed the NOTAM system to be gender neutral.

And yet at the same time, while that is happening—those are your efforts—you have a failure of the NOTAM system, which has not been updated under your leadership; you had the East Palestine event that occurred, which took you nearly 3 weeks to show up for. The American citizen is currently facing countless flight delays—just ask them—and yet we have still supply chain issues.

So, my question is: Why are you pushing those policies when we have nuts-and-bolts issues to deal with?

Secretary BUTTIGIEG. Well, if you want to talk nuts-and-bolts issues, let's talk about the investments we are making to improve port infrastructure, for example, that has helped with supply chain issues. Let's talk about the fact that during the same season in which many critics said that Christmas would be canceled because of supply chain issues, we worked with ports, with the private sector and the public sector, and workers to see to it that by the end of that year, there was an all-time record high in retail sales and goods movement through our ports.

Now, talk nuts and bolts issues. Let's talk about the 37,000 physical infrastructure projects so far and counting supported through the Infrastructure Investment and Jobs Act.

And since you raised East Palestine—

Mr. BURLISON [interrupting]. Secretary—

Secretary BUTTIGIEG [continuing]. I hope that is an indication that we can get you on the record in favor of the Railway Safety Act.

Mr. BURLISON. Secretary, about railway safety, it is an interesting—when you look at the trends, according to data from the Federal Railroad Administration, the numbers since 2000 have dramatically improved: main line, Class I railroads, the accident rate is down 48 percent since 2000. You have derailments that are down 31 percent since 2000. You have even hazmat issues are down 73 percent since 2000.

Across the board, safety has improved. And yet starkly, over the course of the last couple of years, according to the FRA data, it shows that even though we did have a trend since 2000 of reductions, these accidents did have an increase under your watch of 13 percent compared to the previous year. How do you account for that?

Secretary BUTTIGIEG. Well, actually, so far the rate of derailments this year is down compared to last year. But I do appreciate you being perhaps the first Republican Congressman to acknowledge that overall rail accidents on my watch are substantially down from what they were 10 or 20 years ago.

Now, the question in my view is how to get them down even further, which is why I would love to have you stand with us and not with the rail lobby on the Railway Safety Act.

Mr. BURLISON. If you care about safety, why did you turn down BNSF's ability to use drone technology to check the rails?

Secretary BUTTIGIEG. Oh, I am so glad you asked that. One thing that really frustrates me is the characterization that we denied the ability to use drones to inspect rails. That's not true.

What is true is that we required that it be supplemented by the traditional human inspection until that technology is proven. Now, we are not stopping them for one second from using—

Mr. COLLINS [interrupting]. The gentleman's time has expired.

Secretary BUTTIGIEG [continuing]. These new technologies—

Mr. BURLISON [interrupting]. [Inaudible] Arbitrary and capricious by a court.

Mr. COLLINS. The gentleman's time has expired. The Chair now recognizes Ms. Scholten for 5 minutes.

Ms. SCHOLTEN. Mr. Secretary, thank you so much for your testimony today. You are demonstrating the true grit and grace of a Michigander here. I have two lines of questions that I want to cover with you today.

First, again, we are just so grateful for all that you have been doing to get money into the hands of communities that need it through the Bipartisan Infrastructure Law. Michigan's Third Congressional District has benefited from nearly \$100 million in funding through the Bipartisan Infrastructure Law, including airports, multiple highway bridge projects, air quality improvements, and more. So, truly, thank you on behalf of the people of Michigan's Third, thank you so much.

The Department has recently launched the Thriving Communities Program, which aims to help communities build the capacity they need to compete for Federal grants and deliver critical transportation projects. The initiative brings together public and private-sector partners with experience in providing technical assistance and training, capacity building, and planning to help certain target recipients to develop their own ability to ultimately build out transportation projects that will strengthen their local mobility.

From my perspective, this project has incredible potential to transform local communities by engaging those closest to the transportation needs in developing what they need. But oftentimes things like technical assistance and planning can be really vague and amorphous topics, and don't lead to real results. And I am wondering, how will the DOT measure success of this program and ensure that the intended beneficiaries are getting what they need out of this project?

Secretary BUTTIGIEG. Well, thanks for the question, because I think technical assistance sometimes doesn't get as much attention as construction. But getting it right opens the way for construction to happen, especially in communities that may not always have had the resources to access Federal dollars. Not every city is big enough to have a full-time Federal relations staff on board.

We think we can be part of the solution, and that is part of why the Thriving Communities Program, we think, is such a positive development.

We announced our first cohort of selections this spring: 64 communities in 42 States are getting support. And I think I can tell you it is a popular program because we got applications from—eligible applications from 311 communities. So, we know there are a lot of places, including places like where I used to be mayor that have an interest in this kind of technical support.

And I think it is actually part of—to raise something that I know is important to everybody, but especially on the other side of the dais, it's part of how we accelerate progress through things like NEPA, because the technical assistance helps project sponsors navigate all of that. So, we really believe in the potential of this.

Of course, it's early days for that first cohort, and we are still standing up the processes to work with them, but we certainly hope that we will continue to get support to carry this program forward, because I think it's going to continue to matter to communities where those dollars could go the furthest.

Ms. SCHOLTEN. Any takeaways or lessons learned from the first round of funding and recipients?

Secretary BUTTIGIEG. What we found is one size doesn't fit all, but there are also lots of different kinds of communities with a lot in common. And so, whenever we see affinities between different kinds of communities that might even be in different States, and we can knit them together in a cohort, and they are working with the same capacity builder—that is the other entity, often a non-profit that works through the Thriving Communities Program with our funding to help the city or town or whoever applied—we think we can build communities of practice around better transportation policy that go above and beyond any individual physical project that we are going to be able to fund in the course of that work.

Ms. SCHOLTEN. That's great. We will look forward to following the progress.

I want to ask briefly in our last minute about airport towers. You knew I was going to have a question about our Grand Rapids airport tower at Gerald R. Ford International Airport.

The airport's tower is the oldest in the country of the top 75 busiest airports in the United States. The tower is out of compliance with safety and ADA regulations, raising serious safety concerns. The FAA, of course, owns this tower, meaning the airport or surrounding community can't update it without the FAA. For far too long, we have gone without a set of standards or priorities for how we replace these airport towers. I'm hoping to change that through my bill, which was included in the FAA reauthorization.

But can you talk about the importance of replacing towers at the end of their life cycle, the importance to maintaining a safe National Airspace System and reducing travel disruptions?

Secretary BUTTIGIEG. Thank you. Yes. I think it goes without saying, but air traffic control towers are one of the most essential elements of a safe national airspace. And many of those assets, as you mentioned, are out of date. As a matter of fact, we have over 240 of them in the national airspace that are over 40 years old.

So, I see that gavel raised, so, I must be about out of time. Let me just say we are at work on this. The infrastructure law is helping us do that work, and we welcome what you are doing with the reauthorization, too.

Ms. SCHOLTEN. Thank you.

Mr. COLLINS. The Chair now recognizes Mrs. Chavez-DeRemer for 5 minutes.

Mrs. CHAVEZ-DEREMER. Thank you, Mr. Chairman.

Mr. Secretary, thank you for coming before the committee today. My remarks and questions will be no surprise to anyone following the news and policy issues in Oregon: tolling.

As you know, the Oregon Department of Transportation has proposed tolling on Interstates 5 and 205 in Oregon. This controversial tolling affects the Greater Portland metro area, including significant areas of Clackamas County. ODOT's proposal has encountered fierce opposition.

My position is clear: I oppose tolling.

At the local level, opposition has united Republicans, Democrats, mayors and county commissioners, State legislators, and countless residents and commuters. The Governor ordered a so-called pause on tolling until early 2026. Even so, ODOT continues its preparations for tolling.

As a former mayor, which I know you would understand, I understand that funding and building infrastructure is challenging work. But this tolling proposal is not the answer for Oregon. I pledge to be part of the solution, but let's not burden our commuters or create havoc for small businesses and communities who will struggle with the impact of tolling.

As you know, States proposing tolling or other major infrastructure projects are required to conduct an environmental study. ODOT's environmental assessment falls very short in numerous ways.

Examples include congestion is not actually addressed, it is simply diverted from the highway to nearby city and county roads. These communities are not designed for increased traffic which leads to safety issues and practical challenges for neighboring businesses.

Number two, no actual mitigation plan or strategy. ODOT may mention mitigation or monitoring, but the filings show no cohesive mitigation plan. Vague assurances are merely given that potential issues will be addressed.

Number three, tolling is an added cost for every driver, but especially low-income residents. The car remains the prime means of transportation in the region, and tolls would add to the cost of living on top of the hardships imposed by inflation and the struggling economy. ODOT has failed to engage the public on tolling. In June, an ODOT official admitted that they had missed the mark on public outreach.

Projects involving the Federal Government typically meet friction. Surprisingly, when it comes to tolling, it seems that the State officials can impose tolling on Federal roads in face of public opposition. And despite shoddy planning and outreach, where is the due diligence and the accountability?

So, Mr. Secretary, do you have the authority to deny a tolling proposal if you determine the process was conducted in a perfunctory way or serious questions remained over the project?

Secretary BUTTIGIEG. So, anything that comes through a permitting process, including a tolling proposal, has to satisfy certain Federal requirements, and we will only sign off on those if we are—

Mrs. CHAVEZ-DEREMER [interrupting]. Do you have the authority—

Secretary BUTTIGIEG [continuing]. Satisfied that those were met. So, that would be delegated—

Mrs. CHAVEZ-DEREMER [continuing]. To deny a tolling—

Secretary BUTTIGIEG [continuing]. To the Federal Highway Administration, but yes, through that delegated authority, if something did not comply with Federal law, we would block it.

Mrs. CHAVEZ-DEREMER. Local leaders in Oregon are vocal about being left out of the process for tolling. Do you have the authority to weigh their concerns and deny tolling if you determine those concerns are valid?

Secretary BUTTIGIEG. As a policy matter, no. But in terms of making sure the procedures are followed, then yes.

In other words, our responsibility is to make sure that the appropriate consultation happened. We don't have a position on the State policy choice—

Mrs. CHAVEZ-DEREMER [interrupting]. So, you do have the authority if those concerns were valid.

Secretary BUTTIGIEG. If NEPA is not followed, then we have the authority to—

Mrs. CHAVEZ-DEREMER [interrupting]. Would you agree that, if the State claims they will mitigate the effects of the new tolling, that we should see the details in advance on what the mitigation before tolling would be approved?

Secretary BUTTIGIEG. I don't have enough familiarity with the NEPA documentation to be able to weigh in on its adequacy. But what I will say is that our Federal Highway Administration would not have signed off on any NEPA process that it did not believe had satisfied those requirements.

Mrs. CHAVEZ-DEREMER. Do you agree that tolling should accommodate those with lower incomes or anyone from whom tolling would pose a hardship?

Secretary BUTTIGIEG. Again, I am not going to dictate to States how their tolling proposals should work, but as a philosophical matter, we want to make sure that any transportation—

Mrs. CHAVEZ-DEREMER [interrupting]. Do you agree that local public outreach is critical before moving ahead with substantial changes to Federal highways such as tolling?

Secretary BUTTIGIEG. Sorry, I didn't hear the first part of your question.

Mrs. CHAVEZ-DEREMER. Do you agree that local public outreach is critical before moving ahead with substantial changes to the Federal highways such as tolling?

Secretary BUTTIGIEG. Yes, that is a big part of what NEPA is about.

Mrs. CHAVEZ-DEREMER. If the State failed to have sufficient public outreach, what actions would you take?

And can you deny the project?

Secretary BUTTIGIEG. If a project sponsor fails to do appropriate outreach, that can lead to a NEPA failure or a title VI concern.

And in those scenarios, that could lead to the project not getting cleared by the Department—

Mrs. CHAVEZ-DEREMER [interrupting]. Will you deny the project if that is sufficient evidence?

Secretary BUTTIGIEG. Again, any time that a project is non-compliant, we won't approve it.

Mrs. CHAVEZ-DEREMER. Mr. Secretary, it is nice to meet you because I hadn't met you. You did come to Oregon in July. I have to tell you, we recognized that, we were not invited, even though that was very near my district. I would have loved to have had the time to show you exactly the impacts that tolling is having in Oregon.

But thank you for being here today and answering these questions, and I will be following up directly because I would like you to kill this project.

Secretary BUTTIGIEG. Thank you.

Mr. COLLINS. The Chair now recognizes Ms. Norton for 5 minutes.

Ms. NORTON. Thank you, Mr. Chairman.

Mr. Secretary, we are hopefully near the conclusion of the environmental impact statement process for the Union Station expansion project. Union Station is a vital transportation hub that connects the Nation's National Capital region to the Northeast Corridor and multiple Southeast Corridor lines. Prepandemic, the station had more than 100,000 travelers and visitors passing through it each day, which is more than either Reagan National or Dulles International Airport.

Amtrak, MARC, and VRE are all expecting unprecedented growth in ridership, with demand estimated to reach two or three times higher than prepandemic levels by 2040. However, despite its critical role in local, regional, and national connectivity, Union Station has not undergone any infrastructure improvements since the 1990s, according to FRA's own assessment. Future ridership growth will be constrained without it, yet it has taken the Department of Transportation and Federal Railroad Administration over 8½ years to complete the environmental impact statement for the project.

Mr. Secretary, will you commit to making the Union Station expansion project a priority for the administration?

Secretary BUTTIGIEG. Well, thanks for the question. We understand the importance and the priority that this deserves.

One thing I would mention—and I know this is not the full scope of the project—but the President's budget for 2024 did request a \$15 million set-aside under Fed-State, just for some of those immediate state-of-good-repair needs. But yes, we continue to be committed to working with all concerned toward progress on the larger capital needs of Union Station.

Ms. NORTON. When will the administration issue the final environmental impact statement and record of decision?

Secretary BUTTIGIEG. Well, I don't have news to make on that today, but we are continuing to make sure that we work expeditiously on this and can get more information to your office when I get back to DOT.

Ms. NORTON. I wish you would get that to us as soon as you can.

Mr. Secretary, as the lead Democrat on the Highways and Transit Subcommittee, I was proud to help create the Neighborhood Access and Equity Grant Program as part of the Inflation Reduction Act. The program provides over \$3 billion to improve safety, walkability, and affordable transportation access, and the first funding application period will close later this month.

This funding comes amid a crisis in transportation safety. Pedestrian fatalities are at a 41-year high. Bicyclist fatalities are at a 46-year high. This is largely the result of years of disinvestment and a misplaced focus on moving cars quickly, rather than moving people safely.

Mr. Secretary, will you ensure that reducing pedestrian and cyclist fatalities is a priority when awarding Neighborhood Access and Equity grants?

Secretary BUTTIGIEG. You can count on it. Safety is an important criterion, and one of the biggest things we are seeing in terms of safety has to do with the safety of pedestrians and cyclists.

I should add, as somebody who is often a pedestrian and/or cyclist right here in DC, that I have seen the good work that can be done when there is funding to make sure that there are safer streets for everybody.

Ms. NORTON. Thank you. Mr. Secretary, as the cochair of the Quiet Skies Caucus, I am very concerned with the standards for what is considered acceptable noise levels. Aviation noise is more than a mild disturbance or annoyance.

The FAA is undertaking a review of its aviation noise policy to update these standards and extended its notice and comment period to the end of this month to allow more input in the review process. Will you ensure that the input of communities that are impacted daily by aviation noise is heard and utilized to improve the aviation noise metrics?

Secretary BUTTIGIEG. We care a great deal about community input and, yes, we believe that's an important consideration in these noise discussions.

Ms. NORTON. Thank you, Mr. Secretary.

And I yield back.

Mr. COLLINS. The Chair now recognizes Mr. Owens for 5 minutes.

Mr. OWENS. Thank you, Mr. Secretary, for being here, and I want to thank the chairman and the ranking member for today's hearing and the opportunity to listen, learn, and perform our constitutional mandate to provide oversight for yet another Biden administration department that has routinely engaged in regulatory overreach, failure to comply with congressional statute, and irresponsible use of taxpayers' funds.

Record Government spending has failed to alleviate an unprecedented supply chain and energy crisis as President Biden's Department of Transportation continues to obstruct the efficient transport of energy resources and goods throughout our Nation. Under this administration, the Department of Transportation has picked clear favorites, prioritizing urban passenger projects that benefit blue States and cities over critical systems, infrastructure, and maintenance upgrades.

When policymakers prioritize equity and environment over competition in the economy, American families are left footing the bill.

In yet another example of this administration's misguided efforts to stifle competition and keep prices high, this DOT has asserted novel regulatory authority to prevent or delay the merger of JetBlue and Spirit Airlines.

Salt Lake City has the sixth most expensive airport to fly in domestically, with an average fare of \$423. The same can be said for many hubs dominated by legacy carriers. My constituents and the American people stand for the benefit of free market competition. More flights and more options mean lower prices and better service.

Mr. Secretary, I am increasingly concerned by your Department's actions that result in protecting 80 percent of market share among the four U.S. carriers. Do you believe that maintaining the status quo is a result of your opposition to the JetBlue-Spirit merger?

Secretary BUTTIGIEG. Well, if we want competition, then we have to have fidelity to our watchdog role when it comes to mergers. After all, by definition, a merger means that there will be fewer competitors than there were before the merger.

I would—I could not concur with the description of this as a novel regulatory—

Mr. OWENS [interrupting]. Excuse me.

Secretary BUTTIGIEG. Yes.

Mr. OWENS. Mr. Secretary, can I just ask a quick question? You are saying that we have four major carriers that represent 80 percent of the traffic and adding another one would stop competition?

Secretary BUTTIGIEG. By definition, a merger doesn't add a company, it removes it.

Mr. OWENS. By definition, a merger also gives the other four a competition that they don't have presently at 80 percent.

Secretary BUTTIGIEG. So, our role is to make sure that there is more competition, not less. And we will only act to prevent a merger if there is a determination that a merger would harm competition.

Mr. OWENS. OK, so, let me ask—in other words, we have four major airlines representing 80 percent of the traffic, and you are saying another competition would be what, not—would not be competition? I am trying to—

Secretary BUTTIGIEG [interposing]. Sure.

Mr. OWENS [continuing]. Understand the math, because—

Secretary BUTTIGIEG [interrupting]. Think of it in terms of—

Mr. OWENS [continuing]. To me, if we add another carrier, a national carrier—

Secretary BUTTIGIEG [continuing]. You are taking—

Mr. OWENS [continuing]. You have more competition to the four than right now.

Secretary BUTTIGIEG. My point is taking two airlines and turning them into one could mean less competition.

Mr. OWENS. OK. Since you oppose a new national airlines competitor, what is your Department doing to remove barriers to entry and enable smaller carriers without the scale of the four big legacy airlines to effectively compete in the key markets for U.S. markets?

Secretary BUTTIGIEG. Well, as you mentioned, there are a lot of barriers to entry in aviation: the economies of scale, loyalty programs, other things that mean that it doesn't function the way a lot of competitive markets do. That is exactly why we think it is so important to exercise our authority under the law to make sure that there is more competition and not less—

Mr. OWENS [interrupting]. OK. Well, what are you doing for the smaller—we are talking about the smaller. How can they compete with the policies you are now looking at? How will you allow them to compete in this market in which four right now control it?

Secretary BUTTIGIEG. Well, part of what we are doing to support them is steps like this, that police the trend toward consolidation so that we don't end up with—by the end of this, we could be down to Coke and Pepsi. If all of the airlines merge, you could wind up with just two. It is hard to picture that being a positive outcome for competition.

But again, our actions on this are always going to be guided by the law—

Mr. OWENS [interposing]. OK.

Secretary BUTTIGIEG [continuing]. And by our legal authorities. We are not asserting any novel regulatory authority. To our best of our judgment, we are implementing the law as written.

Mr. OWENS. Well, thank you. Let me just wrap up by saying this. If the JetBlue and Spirit merger is approved in Federal court, I strongly recommend that your Department acts expeditiously and consistent with longstanding antitrust precedent, and approve the airline certificate transfer, allowing the free market—that is what we are talking about—allow the free market to decide and provide the lowest cost possible. Because if we add other airlines, national airlines, the prices will go down because there are other options. It makes sense to me, because I have been an entrepreneur all my life—to provide the lowest cost for consumers.

And please refrain from the petty protectionism to safeguard only one airline's market share. Thank you so much. I appreciate it.

And I yield back my time.

Mr. COLLINS. The Chair now recognizes Mr. Molinaro for 5 minutes.

Mr. MOLINARO. Thank you, Mr. Chairman, and thank you, Mr. Secretary. The benefits of being a freshman is I get to sit so close to those witnesses that I feel as if we are having a private conversation. We're not.

[Laughter.]

Mr. MOLINARO. But I—yes, agreed. And so, Mr. Secretary, I want to jump right in.

Without question, while I was not here, I think we can all acknowledge that the Infrastructure Investment and Jobs Act establishes a significant investment, in particular, I would say, representing a large area in New York State. It gives us the needed investment that we so desperately needed in the Northeast to make necessary improvements to highways, roads, and bridges. Without question, New Yorkers know and have seen the deterioration of our infrastructure. And yet at the core of IIJA is this 5-year surface transportation reauthorization that funds those critical road, bridge, and transit projects.

Now, we know this. I have lived through now three once-in-a-lifetime infrastructure bills over the course of my service in public office. We know that, despite the fact that we are now in the third year of IJA's implementation, projects are yet to come to fruition. In particular, I would say in States like New York, because of added bureaucracy.

What specifically is the Department doing to move those projects?

And I would note specifically to move New York, to move those projects, so that we see the benefit on the ground.

Secretary BUTTIGIEG. Well, both as a current Secretary and as a former mayor, nothing is more gratifying to me than a groundbreaking, with the possible exception of a ribbon cutting. We want to get dirt flying, we want to get projects done, and we also need to do it responsibly.

Now, our first year was spent just getting the bill passed, and our second year was spent largely making sure that these programs, many of them multibillion-dollar programs that didn't even exist before, were stood up properly. What that means is we think we are on a good footing now, as we enter the third year of the bill and the fourth year of the administration, that we are really seeing the money moving and the dirt flying—

Mr. MOLINARO [interrupting]. Do you feel—Mr. Secretary, do you think projects are moving adequately in the State of New York? Because both the contractors, municipalities, and local officials just don't believe they are.

And I am not saying it is entirely DOT's issue. It is in part pressing the State to move projects. Do you feel they are moving adequately in the State?

Secretary BUTTIGIEG. Look, I think all of our project sponsors are doing a great job with limited resources—

Mr. MOLINARO [interrupting]. Do you think the State of New York—

Secretary BUTTIGIEG [continuing]. And limited time—

Mr. MOLINARO [continuing]. Is doing a great job?

Secretary BUTTIGIEG. Yes, we are getting terrific things done with the State of New York, but we always want to move faster, and we want our project sponsors to move faster, and we want our own gears of Government machinery to move faster. That is why we are trying to make sure we simplify categorical exclusions, which is 95 percent of our permitting. That is why we are doing technical assistance.

I know New York State or New York City is large and sophisticated, but you have got smaller communities in New York State that are going to—

Mr. MOLINARO [interrupting]. I represent upstate 11 counties in upstate New York. And so—

Secretary BUTTIGIEG [interrupting]. Right. So, a lot of those players aren't going to have full-time Federal relations people on staff. We don't want them to have to, to swiftly navigate our processes. We are keeping our foot on the accelerator and looking actively for ways we can strip out unnecessary—

Mr. MOLINARO [interrupting]. OK, so, my—I want to just jump to another issue. And my office stands ready to assist, and I know

that the delegation, Republican and Democratic, want to move projects quicker.

As you know, the Americans with Disabilities Act was passed in 1990. There was a 20-year timeframe for intercity rail stations to be accessible for those with disabilities. As of July 2023, Amtrak has only brought 30 percent of their 385 stations it's responsible for into ADA compliance. Yet we continue to fund Amtrak's investment to move ADA projects. In fact, IIJA itself included an additional \$1.74 billion.

Can you commit the Department to more aggressively enforcing Amtrak's necessity to meet the ADA requirements?

Secretary BUTTIGIEG. We strongly believe in ADA-compliant—

Mr. MOLINARO [interrupting]. I understand, but what can we do to move Amtrak—

Secretary BUTTIGIEG [interrupting]. Well, the biggest thing we can do is through the ASAP—at least on the transit side—is through the ASAP program. And with Amtrak, we want to work with them to—I am not going to say we are going to prevent a necessary safety or maintenance enhancement from happening because we are concerned about ADA compliance. But I agree it has got to be a both-and, and we want to do everything we can to be helpful.

Mr. MOLINARO. I will take you at your word, and I appreciate that. I will say that it is a remarkable embarrassment that we continue to send taxpayer dollars to Amtrak for the purposes of ADA compliance, and yet they have historically and continuously not met that obligation.

And I would just say there are countless Americans who are denied access because of Amtrak's failure. Yet during the pandemic and post-pandemic, Amtrak saw, in its infinite wisdom, to divvy up significant bonuses to its executive leadership team, while employees were left home and those with disabilities were left on the sidelines.

My time is up. I would like to work with the Department to ensure that we force Amtrak to meet that expectation.

Secretary BUTTIGIEG. Understood.

Mr. MOLINARO. Thank you, Mr. Secretary.

Mr. COLLINS. The Chair now recognizes Mr. Burchett for 5 minutes.

Mr. BURCHETT. Thank you, Mr. Chairman. I believe Mr. Van Orden was next, if I was told correctly. Was I mistaken? It doesn't matter. OK.

Thank you, Mr. Secretary. I was a county mayor, and that was the best dadgum job I ever had. I know we both come from that background. That is about where the similarities end. And since I am the 435th most powerful Member of Congress, and I am one of the last people to ask you the questions, all the good ones have been asked, all the gotchas that are going to get me a good YouTube plug are gone. So, I am just going to ask you some serious stuff, if that is OK with you, brother.

Secretary BUTTIGIEG. Sounds good.

Mr. BURCHETT. All right. I am worried about the charging stations for cars that we don't have on the road right now, and I am

wondering just how many of these charging stations have been funded by the Federal Government.

Secretary BUTTIGIEG. Most of the charging—

Mr. BURCHETT [interrupting]. EV, I am sorry, EV—

Secretary BUTTIGIEG [continuing]. Yes. So, most of the charging infrastructure out there today was installed without Federal funding because those were the early adopters and the first moves done by the private sector, companies like Tesla and even municipalities installing their own.

But by the end of this year, we expect those for—that first wave of the ones that are benefiting from the NEVI program—

Mr. BURCHETT [interposing]. Right.

Secretary BUTTIGIEG [continuing]. To begin to go out there. And our goal is to have 500,000 chargers by the end of the decade, some of which will have Federal dollars in them and some of which will not.

Mr. BURCHETT. Do you know how many?

Secretary BUTTIGIEG. I would have to go back and—we are in the tens of thousands right now in terms of the private-sector installed base. But I would have to go back and pull that number.

Mr. BURCHETT. If you could get that for me, I would really appreciate it, get it to my office. That would be great.

Another issue I am concerned about is asphalt. It is the most recycled product, probably, in the world. I don't know. I think we put down more than 89 million tons in new asphalt construction. Why have State departments of transportation been slow to use reclaimed asphalt pavement? Because it is basically—it is just two or three ingredients.

I mean, it is gravel, it is the oil-based product, which I would like to see plastic substituted at some time. And you provide a little heat, and maybe a little sand for a little bit more filler, but you get the picture. You were a mayor. Why are these locals not using it more? Are they not being encouraged to do it? It just seems it's crazy to put that stuff in the landfill.

Secretary BUTTIGIEG. I think it's a great question. And maybe another area it turns out we have something in common is a belief that we ought to be paying more attention to materials, the sourcing of pavement, the durability of pavement.

One thing I would mention is that I think often local jurisdictions are under such pressure in the short term just to get the potholes filled. You and I, I think, both experienced it with the roads we were in charge of, that even if you were offered something that represented a savings for the long run, unless it lets you get another X number of lane-miles done this year, you might feel compelled to say no.

We would like to change those incentives. The Federal Highway Administration takes seriously that it is not our job to dictate to local governments things as detailed as what kind of construction materials they ought to use, but we are trying to get—and we have published information trying to get more out there about reclaimed and recycled pavements. And more generally, we do have some research that we fund at many institutions around the country on improving pavement durability generally, because I think there is a—if you can make the pavement, the asphalt we do have last just

1 or 2 percent longer, in effect you are saving billions of dollars right there.

Mr. BURCHETT. Absolutely.

Secretary BUTTIGIEG. I think it deserves more attention.

Mr. BURCHETT. Let me ask you—it's not in my notes, it's something that I have been researching for over a year now. They started it in India, and I don't necessarily say we ought to do it like they do, but they use plastic. They substitute plastic for oil in their asphalt. And plastic, of course, it's an oil-based derivative. And what they did over there was they basically get a pothole, fill it full of gravel, and burn a bunch of plastic bottles. I don't want to do that.

And I know in England there is a cat over there who did it, and he's got a patented process, or whatever they call it. And there are people in this country doing it. Could you commit to me that you would have somebody from your office get with me, and let's work on that?

Because plastics are—they are forever. I mean, heck, they are out there, they are floating in your streams and my streams, they are in the ocean, these horrible pictures you see. I hate seeing some poor animal out there, one of God's great creatures, got a six-pack thing around their neck, choking them out. And I just don't dig that at all. And I would hope that we could work through that.

I mean, there is a use for some of this stuff, and technology—yes, we are going to phase it out, but it is still going to be there. And it is ridiculous to throw this stuff in the landfill. It is just wasted. If you would just commit to me to have somebody call me, this isn't a gotcha, this is an honest situation. I think we could get a bipartisan group to work on that. Could you do that for me, brother?

Secretary BUTTIGIEG. I would be happy to. I would love to explore that with you.

Mr. BURCHETT. And tell me how to say your last name one more time.

Secretary BUTTIGIEG. Buttigieg. You can just call me Pete, sir.

Mr. BURCHETT. Buttigieg, OK. I am Burchett, and nobody ever gets that right, either, so, we are good.

But thank you, brother. It has been a pleasure.

Secretary BUTTIGIEG. Thank you.

Mr. BURCHETT. Mr. Chairman, I yield back nothing to you.

Mr. COLLINS. The Chair now recognizes Mr. Van Orden for 5 minutes.

Mr. VAN ORDEN. Thank you. Thank you, Mr. Chair.

Thank you for coming, Mr. Secretary. And I just want to be super clear. All of these subjects are incredibly important, but I want to kind of return to a bit of the things that my great friend and colleague from the State of Minnesota was discussing with you, and that is the actual real effects of some of the Biden administration's policy.

I come from the State of Wisconsin, which is the home of the Republican Party. Ripon, Wisconsin. The Republican Party was established by a group of abolitionists whose sole intent for forming the Republican Party was to abolish slavery in the United States of

America. And I think that is an incredibly proud tradition that we have as Republicans.

We were preceded in abolition by the British, but the British approached this in a very interesting method. They didn't come out and abolish slavery immediately. They did something called the Slave Trade Act of 1807, where they essentially abolished the ability for people to transport human beings as chattel on British vessels. And as you know, at the time, the British and the Dutch were—they had the preponderance of global trade.

So, what that did, Mr. Secretary, is it essentially dried up the ability for people to sell human beings. And it wasn't until 1833, with the Slavery Abolition Act, that they actually abolished slavery. The United States didn't abolish slavery officially until December 6, 1865. That is when the 13th Amendment was ratified, and that's after 360,222 Union soldiers died.

So, it is my understanding the Biden administration wants 50 percent of all new production vehicles to be electric by 2030, is that correct?

Secretary BUTTIGIEG. Yes, that's the goal.

Mr. VAN ORDEN. OK. Well, I mean, honestly, it sort of begs the question of whether or not you discussed that with the UAW prior to coming up with that timeline. But that's a subject for another day.

Are you aware that approximately 4.3 percent of electric batteries are comprised of cobalt at this time, as of 2023?

Secretary BUTTIGIEG. I am sorry, I had a little trouble hearing you—4.3 percent?

Mr. VAN ORDEN. Do you understand that approximately 4.3 percent of all electric batteries are comprised of cobalt?

Secretary BUTTIGIEG. Yes.

Mr. VAN ORDEN. OK. Do you understand that approximately 70 percent of the world's cobalt is produced by the Democratic Republic of Congo?

Secretary BUTTIGIEG. Yes.

Mr. VAN ORDEN. Do you understand that 15 to 30 percent of the cobalt that is mined in the Democratic Republic of Congo is mined in something called an artesian mine?

Secretary BUTTIGIEG. I haven't seen that figure, but it's credible.

Mr. VAN ORDEN. It is correct.

Will you pull that up real quick? Let's pull this picture up.

[Slide shown.]

Mr. VAN ORDEN. I want you to look at this. Do you believe the United States Government has a moral obligation to try to end child slavery?

Secretary BUTTIGIEG. Of course.

Mr. VAN ORDEN. OK. And that would be regardless of the impact it would have on your 2030 date for electrification of 50 percent of the fleet?

Secretary BUTTIGIEG. Sure. It is why we are working so hard to have domestic sourcing of both the supply chain and the raw materials that go into electric—

Mr. VAN ORDEN [interrupting]. My time is limited. I do not mean to cut you off, but I am going to.

So, are you telling me that you are willing to move that to the right, your goal of 2030, 50 percent of all the fleet electrified, if it can help end child slavery?

Secretary BUTTIGIEG. I am telling you that the solution to this is not to ban cell phones or give up on electric vehicles—

Mr. VAN ORDEN [interrupting]. I am not saying—

Secretary BUTTIGIEG [continuing]. It is to make sure that more of their components are sourced ethically—

Mr. VAN ORDEN [interrupting]. Mr. Secretary, I am asking you a very straightforward—

Secretary BUTTIGIEG [continuing]. And domestically.

Mr. VAN ORDEN [continuing]. Question about the most horrific thing that exists in the planet today, and that is slavery.

So, I am going to ask you another question. Knowing what you know about the Democratic Republic of Congo, the mining of cobalt by children, including those kids right there [indicating slide], right here [indicating picture]—that's cobalt. So, knowing what you know about that, what is your office's estimate of how many children will be required to mine your cobalt?

And how many of these children do you estimate will die to make sure that you can make your goal of 2030? Have you done that work?

Secretary BUTTIGIEG. We have better data on how many children will die if we allow climate change to increase unimpeded.

Mr. VAN ORDEN. OK. You know what, man? I am absolutely not taking that. That is a dodge, and it is junk.

Secretary BUTTIGIEG. It is the truth, Representative.

Mr. VAN ORDEN. Let's do this again. Let's do this again, Mr. Secretary [indicating picture].

Secretary BUTTIGIEG. Congressman, what that child, and that child, and that child, and that child—

Mr. VAN ORDEN [interrupting]. How about this?

Secretary BUTTIGIEG [continuing]. And the child behind that child, and the child behind that child deserve—

Mr. VAN ORDEN [interrupting]. I am not going to allow you to hide behind climate change—

Secretary BUTTIGIEG [continuing]. Is your support for domestic and ethical sourcing of the components that go into all of the products that we buy in this country.

Mr. VAN ORDEN. So, what you are telling me is this, is that your office is putting your goal of 2030 above the welfare of those children, and you are encouraging and subsidizing child slavery.

Secretary BUTTIGIEG. That is nonsense, Representative.

Mr. VAN ORDEN. You are, sir.

Secretary BUTTIGIEG. That is nonsense, Representative.

Mr. VAN ORDEN. That is not nonsense. That is a fact.

And by the way, I am going to submit for the record a whole ton of paperwork for you, Mr. Secretary. I would like you to review it. And the top of that is going to be this picture.

[The photograph follows; additional information submitted for the record by Mr. Van Orden is on pages 138–153:]

Photograph Submitted for the Record by Hon. Derrick Van Orden



The artisanal mining industry in the Democratic Republic of the Congo is rife with forced and child labor, unreported deaths and human rights abuses, writes academic and modern slavery researcher Siddharth Kara in his new book "Cobalt Red" (Siddharth Kara). [Photo and caption are from "Here it is better not to be born": Cobalt mining for Big Tech is driving child labor, deaths in the Congo," Louise Boyle, The Independent, February 23, 2023; the article is on page 138.]

Secretary BUTTIGIEG. That picture is full of children who deserve—

Mr. VAN ORDEN [interrupting]. I will have no part—

Secretary BUTTIGIEG [continuing]. Policies that will support domestic and ethical sourcing—

Mr. COLLINS [interrupting]. The gentleman's time has expired.

Secretary BUTTIGIEG [continuing]. Of these materials, and help to prevent—

Mr. VAN ORDEN [interrupting]. I will have no part in subsidizing child slavery.

Mr. COLLINS. The gentleman's time has—

Secretary BUTTIGIEG [interrupting]. You may have one that you are not thinking about—

Mr. COLLINS [interrupting]. The gentleman's time has expired.

Mr. VAN ORDEN. Thank you, Mr. Secretary.

I yield back.

Mr. COLLINS. Thank you. I now recognize myself for 5 minutes.

Welcome, Mr. Secretary. This is my industry. My background is in trucking. I am second generation. As a matter of fact, I started at 12 years old working in my family's operation, and I had a life-long career at it, a hard but rewarding career. And now the next generation, the third generation, is now running that trucking company.

I also want you to know I have never been elected to anything in my life. I have spent my entire career in the private sector. And

so, what I thought I would do is just kind of go over my first 9 months here on the job as it deals with your agency.

So, when we got here, real shortly—I mean, it was real quick in January—we had the NOTAM incidents, NOTAM, however you want to pronounce it, a shutdown of an entire aviation industry, and it was because one person did something, deleted a file, pushed the wrong button, whatever. The industry went down.

And this software program is 30 years old. Now, your agency was more focused on writing a 179-page bill, spent tens of thousands of dollars to rename NOTAM from Notice to Airmen to Notice to Air Missions. And I guess what I am asking is, did that make the aviation industry any safer?

Secretary BUTTIGIEG. We have been working on modernizing the NOTAM system since we got here. And one thing that would help is if you would back away from the cuts to funding that would help us do it quicker.

We take deadly seriously—

Mr. COLLINS [interrupting]. Mr. Secretary, I have got to keep moving, I have got—

Secretary BUTTIGIEG [continuing]. The upgrading of the NOTAM system.

Mr. COLLINS [continuing]. Several things I want to go—when you ramble, that tells me no, it didn't make it any safer.

You move on. Shortly after that we had the East Palestine train derailment. Countless lives were ruined and an entire town was devastated. What was the cause of that derailment?

Secretary BUTTIGIEG. Well, I am not going to speak to the cause before the NTSB reveals its final reporting. But what we know—

Mr. COLLINS [interrupting]. I can tell you what the cause was.

Secretary BUTTIGIEG [continuing]. Opened the eyes of the United States—

Mr. COLLINS [interrupting]. It was easy.

Secretary BUTTIGIEG [continuing]. To the need for tougher regulation—

Mr. COLLINS [interrupting]. It was the lack of grease on wheel bearings. You had a railroad company that was out there and more focused on DEI, which your agency is pushing. It is even stated in their annual letter to their shareholders. What they should have put in there was that we are going to focus on hiring the most qualified mechanics that we can to keep grease on wheel bearings. Now, that is what I have seen so far in just the major headlines.

Secretary BUTTIGIEG. Are you seriously suggesting—

Mr. COLLINS [interrupting]. But what I want to tell you—

Secretary BUTTIGIEG [continuing]. That a court report on DEI is related to—

Mr. COLLINS [continuing]. What I—

Secretary BUTTIGIEG [continuing]. The amount of grease on wheel bearings?

Mr. COLLINS. What I want to tell you—I want to keep moving on. I am down—I am almost down to half now. What I want to keep doing is—this is what else I have learned.

Now, we have had double the average, the annual average of train derailments this year, double the average.

Secretary BUTTIGIEG. That is false.

Mr. COLLINS. And that is just since—

Secretary BUTTIGIEG [interrupting]. That is—

Mr. COLLINS [continuing]. Since spring.

Secretary BUTTIGIEG. That is not right.

Mr. COLLINS. We have also had record near-misses at airports because aircraft controllers—and you said it—we have got a shortage. They are strained. And it is because the FAA agency is more worried about hiring people based on DEI qualifications instead of being qualified—

Secretary BUTTIGIEG [interrupting]. Not only is that false, that is an insult to the—

Mr. COLLINS [continuing]. To do the job. I am getting—

Secretary BUTTIGIEG [continuing]. Qualifications of every air traffic controller.

Mr. COLLINS. Sir, I am—I did not ask a question. This is my time to talk.

Congestion on our roads is up. Trucks—right now drivers are out there. They spent 51 hours last year sitting in congestion, sitting in traffic. That is up 15 hours year over year, or 30 percent, while you were focused—

Secretary BUTTIGIEG [interrupting]. Part of why we are building more roads—

Mr. COLLINS [continuing]. You have been focused on racist bridges and bike paths.

Secretary BUTTIGIEG. This is why we are building—

Mr. COLLINS [interrupting]. You are in charge, sir. You are in—

Secretary BUTTIGIEG [continuing]. We are building roads and—

Mr. COLLINS [continuing]. You are in charge of one of the largest—

Secretary BUTTIGIEG [continuing]. [Inaudible] highest in my lifetime, Representative—

Mr. COLLINS [continuing]. Sir, I—

Secretary BUTTIGIEG [continuing]. Including in your district. You know that.

Mr. COLLINS. You are in charge of one of the largest agencies in the Federal Government. Your jurisdiction is over an industry in which you have zero experience.

Secretary BUTTIGIEG. That is also false.

Mr. COLLINS. Let me tell you something, Mr. Secretary. Our industry, we don't make our living sitting inside four walls at a desk all day.

Secretary BUTTIGIEG. Neither do I. I travel around, Representative.

Mr. COLLINS. People in this industry, we are out there on the waterways, the airways, and the roadways with you, your family, everybody's family, and my family. You should be concentrating, and your concentration should be on hiring the most qualified people out there to help administrate and have jurisdiction to keep these roadways safe and improve efficiency in the whole transportation industry.

Secretary BUTTIGIEG. Which is exactly what we are doing—

Mr. COLLINS [interrupting]. But instead, sir, you are pushing a far-left, woke, DEI, socialistic experiment on this agency and our

industry, and have been for 2½ years. And sir, the results speak for themselves.

And with that, I yield back the rest of my time.

Secretary BUTTIGIEG. Do I get a response?

Mr. COLLINS. I yield—I have yielded back my time.

Secretary BUTTIGIEG. So, I don't even get to respond to that. There wasn't even a question.

Mr. COLLINS. That is correct. We want to thank you.

Secretary BUTTIGIEG. OK.

Mr. COLLINS. Are there any further questions from any members of the committee who have not been recognized?

Seeing none, that concludes our hearing for today.

I would like to thank the witness for your testimony.

I ask for unanimous consent that the record of today's hearing remain open until such time as our witness has provided answers to any of the questions that may be submitted to him in writing.

Without objection, so ordered.

I also ask unanimous consent that the record remain open for 15 days for any additional comment and information submitted by the Members or the witness to be included in the record of today's hearing.

Without objection, so ordered.

This committee stands adjourned.

[Whereupon, at 4:24 p.m., the committee was adjourned.]

SUBMISSIONS FOR THE RECORD

Letter of September 20, 2023, to Hon. Sam Graves, Chairman, and Hon. Rick Larsen, Ranking Member, Committee on Transportation and Infrastructure, from Kristen Swearingen, Vice President, Legislative and Political Affairs, Associated Builders and Contractors, Submitted for the Record by Hon. Sam Graves

SEPTEMBER 20, 2023.

The Honorable SAM GRAVES,
Chairman,
U.S. House Committee on Transportation and Infrastructure, 2165 Rayburn House Office Building, Washington, DC 20515.

The Honorable RICK LARSEN,
Ranking Member,
U.S. House Committee on Transportation and Infrastructure, 2165 Rayburn House Office Building, Washington, DC 20515.

CHAIRMAN GRAVES, RANKING MEMBER LARSEN AND MEMBERS OF THE U.S. HOUSE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE:

On behalf of Associated Builders and Contractors, a national construction industry trade association with 68 chapters representing more than 22,000 member companies, we thank you for holding the hearing, “Oversight of the Department of Transportation’s Policies and Programs,” with U.S. Department of Transportation Secretary Pete Buttigieg.

As the committee continues to lead Congress’ oversight of the DOT, including important issues like the implementation of the Infrastructure Investment and Jobs Act and electric vehicle infrastructure policies, ABC will comment on specific DOT policies that the department is pursuing outside of congressional authorization/intent.

IMPLEMENTATION OF IIJA AND PROJECT LABOR AGREEMENTS:

ABC has consistently and vigorously opposed government-mandated PLAs and PLA preferences on federal government and federally assisted construction projects, as well as state and local government infrastructure projects. PLAs needlessly increase costs, chill competition and steer hundreds of billions of dollars’ worth of construction projects funded by taxpayers to well-connected special interests, i.e., construction unions and contractors signatory to specific construction unions party to a PLA.

Despite this, ABC has identified a significant number of Biden administration federal agency grants—totaling more than \$230 billion for infrastructure projects procured by state and local governments—subject to language and policies promoting PLA mandates and preferences that will increase costs and reduce competition on federally assisted construction projects.

The DOT, which has oversight over the vast majority of IIJA funding, has played a key role in pushing these costly and unnecessary agreements. ABC has identified over \$214 billion in DOT grant programs impacted by language preferring PLAs.

For example, in a fiscal year 2023 Rebuilding American Infrastructure with Sustainability and Equity grant program DOT Notice of Funding Opportunity, the department includes pro-PLA preferences for contractors, which were not included in the IIJA.

The RAISE grant program provides federal assistance to state and local government entities for the purpose of major surface transportation infrastructure projects, making at least \$2.275 billion in funding appropriated by the IIJA and other funding sources available.

However, the impact of this funding is undermined by language in the NOFO that attempts to steer these funds toward applicants that require PLAs on their projects.

The NOFO includes specific language indicating that PLAs will increase applicants' scores for "partnership and collaboration," improving their chance of receiving RAISE funds.

ABC has urged the DOT to abandon these exclusionary and inflationary policies, and instead welcome the entire construction workforce to participate in rebuilding America's vital infrastructure. ABC would recommend that the committee closely examine the DOT's policies favoring PLAs to ensure DOT is maximizing return on the massive investment of taxpayer dollars represented by the IIJA.

RESTRICTIVE REQUIREMENTS ON THE NATIONAL ELECTRIC VEHICLE INFRASTRUCTURE FORMULA PROGRAM:

The DOT is also pushing union labor requirements on the National Electric Vehicle Infrastructure Formula Program. The NEVI Formula Program will implement provisions of the IIJA that includes \$7.5 billion for electric vehicle charging stations (including \$5 billion over five years to install EV chargers mostly along interstate highways). The intent of the program is to support the installation of 500,000 electric vehicle chargers across the country by 2030 as part of the administration's push to shift away from gas-powered vehicles.

The final rule contains a number of concerning labor provisions. It requires that all electricians working on electric vehicle supply equipment either be certified by the International Brotherhood of Electrical Workers' Electric Vehicle Industry Training Program or be a graduate or recipient of a continuing education certificate from a government-registered apprenticeship program with a focus on EVSE installation approved by the U.S. Department of Labor in consultation with the DOT. Additionally, the final rule requires all NEVI-funded projects that require more than one electrician to use at least one GRAP-enrolled apprentice.

ABC previously submitted comments in response to the proposed rule and a request for information, urging the DOT to avoid union labor requirements and to instead welcome all qualified contractors to build EV chargers. Unfortunately, the agency disregarded these recommendations in the final rule which took effect on March 30, 2023.

Thank you for your consideration of ABC's concerns.

Sincerely,

KRISTEN SWEARINGEN,
Vice President, Legislative and Political Affairs,
Associated Builders and Contractors.

Article entitled, "Here It Is Better Not To Be Born': Cobalt Mining for Big Tech Is Driving Child Labor, Deaths in the Congo," by Louise Boyle, The Independent, February 23, 2023, Submitted for the Record by Hon. Derrick Van Orden

'HERE IT IS BETTER NOT TO BE BORN': COBALT MINING FOR BIG TECH IS DRIVING CHILD LABOR, DEATHS IN THE CONGO

Child labor, sexual assault, birth defects, abject poverty, workers buried alive: A new exposé on artisanal cobalt mining in the Democratic Republic of the Congo lifts the curtain on a nightmarish world in which billions of people are unwittingly complicit. Senior climate correspondent Louise Boyle reports

by Louise Boyle

The Independent, February 23, 2023

<https://www.independent.co.uk/climate-change/news/phone-electric-vehicle-congo-cobalt-mine-b2277665.html>

During one of his many visits to the Democratic Republic of the Congo, Siddharth Kara, an author and Harvard academic who has spent 20 years researching modern slavery, met a young woman sifting dirt for traces of cobalt.

Priscille told him she had suffered two miscarriages and that her husband, a fellow "artisanal" miner, died of a respiratory disease.

"I thank God for taking my babies," she said. "Here it is better not to be born."

It is just one of many devastating personal accounts in *Cobalt Red*, a detailed exposé into the hidden world of small-scale cobalt mining in the Democratic Republic of the Congo (DRC).

The “quaint” moniker of artisanal mining, Mr. Kara points out, belies a brutal industry where hundreds of thousands of men, women and children dig with bare hands and basic tools in toxic, perilous pits, eking out an existence on the bottom rung of the global supply chain.

The miners are the first step in the race for precious metals and minerals by some of the world’s most powerful companies, with multibillion-dollar valuations and whose founders and CEOs are household names.

If you own a smartphone, tablet, laptop, e-scooter, electric vehicle (or all of the above), then it is a system in which you are unwittingly complicit.

“At no point in human history has so much suffering generated so much profit and been directly linked to the lives of billions of people around the world,” Mr. Kara writes in the book.

Around 75 per cent of the world’s cobalt is mined in the DRC—and the world cannot get enough of it. The rare, silvery metal is an essential component to every lithium-ion rechargeable battery, a necessary part of the booming electric vehicle (EV) industry.

The number of EVs are increasing exponentially as most high-polluting economies have made them integral to decarbonising emissions-heavy transport sectors.

There were 7.8 million EVs sold in 2022, according to *The Wall Street Journal*. That number is set to explode to 66 million by 2040, according to *BloombergNEF’s* Economic Transition Scenario.

‘THE SLAVE FARM PERFECTED’

For centuries, the DRC, a landscape of near unmatched natural resources, has been looted by colonizers: first for slaves, ivory and gold and then rubber, copper, palm oil and minerals.

The genocidal regime of Leopold II, the Belgian king who murdered and mutilated as many as 10 million Africans at the turn of the 19th century, was followed by decades of Western-backed, kleptocratic leaders who enriched themselves and their cronies, leaving the country to wither. By most metrics of health, wealth and progress, the DRC ranks among the worst in the world.

The DRC’s industrial mines are typically structured as joint ventures between the national government and foreign operators, for the most part Chinese companies. China produces three-quarters of the world’s refined cobalt, the keys to the kingdom in the battery market.

“Everyone’s playing catch up. China cornered the global cobalt supply chain before anyone knew what was going on,” Mr. Kara told *The Independent* in a phone interview earlier this month. “Ten years later, western Europe and North America suddenly realize this vital mineral is required for our green energy future and gadget device-driven economy, and they can’t access it except through China.”

About two-thirds of cobalt mining is carried out in industrial mines with the use of heavy machinery, and accompanied by health and safety standards.

Artisanal production makes up the remaining share. However, Mr. Kara writes in *Cobalt Red* that “[b]ecause ASM is almost entirely informal, artisanal miners rarely have formal agreements for wages and working conditions.”

There are an estimated two million artisanal miners in the DRC, according to DelveDatabase, a global online data platform.

Cobalt deposits form near the surface like “raisins”, meaning the mineral can be dug in shallow pits. In some cases, industrial mines dump tons of stone and dirt beyond their compounds. Mr. Kara describes in his book how he witnessed hundreds of children crouching in the rubble, picking for cobalt fragments.

The author describes the appalling living conditions of Congolese artisanal miners. Many live in tarp-covered shacks with no sanitation, medical care and few opportunities for education. Access to electricity is sparse; few miners have ever seen a cameraphone.

Cobalt Red also documents many unreported deaths, including those of children buried alive in makeshift mining tunnels, and their bodies never recovered.

The author shares the stories of Congolese miners who have experienced life-changing injuries, sexual assault, physical violence, corruption, displacement and abject poverty.

“Cobalt mining is the slave farm perfected,” Mr. Kara writes.

Cobalt is toxic to touch and breathe in, and can be found alongside traces of radioactive uranium. Cancers, respiratory illnesses, miscarriages, headaches and painful skin conditions occur among adults who work without protective equipment.

Children in mining communities suffer birth defects, developmental damage, vomiting and seizures from direct and indirect exposure to the heavy metals.

Mr. Kara describes children standing knee-deep with their bare skin in toxic pools, and babies carried in slings on their mothers' backs into pits. Female miners, who earn less than the average two dollars per day paid to men, typically work in groups as sexual assault is common in mining areas.

In one passage, Mr. Kara meets Bisette, a mother whose son was buried alive with others after a mining tunnel collapsed. Later in the book, the author learns that Bisette's nephew died in another mining tunnel collapse.

"Our children are dying like dogs," she cries.

The tunnel collapse at a mining site in central DRC on 21 September, 2019 killed 63 men and boys who were buried alive, Mr. Kara reports, with only four bodies recovered. No one accepted responsibility for their deaths and the accident was never acknowledged.

"All the death here counted for nothing. The loot is all," Mr. Kara writes.

'IT'S NOT GOING TO MARS'

To enter the world of artisanal mining involved great personal risk for the author. The DRC's mining operations are heavily-guarded by soldiers from the DRC's Armed Forces or company-paid militias, and located in areas far off the beaten track and known to erupt in conflict.

Throughout *Cobalt Red*, Mr. Kara protects the identities of his guides and the miners who speak to him, for fear of deadly reprisals on them and their families.

"There are many mining areas I never got into and they're heavily guarded. It's all by design, these layers of obfuscation, and the shroud of secrecy," he told *The Independent*. "They're desperate that the truth should not come out, that the Congolese people should not be heard and the realities on the ground should not emerge into the global consciousness."

The major tech and EV companies extol commitments to human rights, zero-tolerance for child labor, and clean supply chains in financial disclosures and on ethics pages of their company websites.

Mr. Kara described these statements as "utterly inconsistent" with what's happening on the ground.

"There are hundreds of thousands of Congolese people, tens of thousands of children, digging hundreds of thousands of tons of copper-and-cobalt ore per year. Where is it going if no one up the chain is buying it?" he said. "It's not going to Mars, they are not digging it for sport. There is an enormous supply-demand imbalance, on the demand side. Every last ounce of copper-cobalt ore being scrounged out of the ground, in these hazardous conditions by artisanal miners, is flowing into the formal supply chain. How on earth can any consumer-facing tech or EV company reasonably say that artisanal contribution is not in their supply chain?"

Many of the major tech, EV and battery companies have joined initiatives tasked with cleaning supply chains and stamping out human rights abuses and child labor. The two leading coalitions are the Global Battery Alliance (GBA) and the Responsible Minerals Initiative (RMI).

RMI has more than 400 companies and associations as members including Amazon, Apple, Boeing, Disney, Ford, General Electric, General Motors, Meta, Samsung and Toyota. Membership is \$7,500 per year for companies with annual revenues under \$9 billion, and \$15,000 for those making above \$9bn.

Its flagship program—the Responsible Minerals Assurance Process (RMAP)—offers "an independent, third-party audit that determines which smelters and refiners can be verified as having systems in place to responsibly source minerals in line with current global standards".

The GBA is supported by more than 120 organisations including Tesla, Microsoft, Volkswagen, BMW, Glencore, and Hitachi High-Tech Europe. They are also funded by membership fees on tiers related to how much money a company makes.

GBA is working on a Battery Passport program to "provide transparency in practices and the impact of the battery along the value chain to all relevant stakeholders in the battery value chain".

Neither initiative operates on the ground in the Democratic Republic of the Congo, representatives for RMI and GBA told *The Independent*, and mine site assessments are not part of their work.

"Our audit program until now has focused on the mineral processing portion of the supply chain, the smelters or refiners. We do not have a presence at mine sites anywhere globally as part of our staff," Jennifer Peyser, RMI's Executive Director, told *The Independent*.

Ms. Peyser said that RMI was "aware of the conditions" around artisanal and small scale mining (ASM) of cobalt.

“What we’ve been working on with stakeholders is to build out a set of expectations, so one day those sites can be audited,” she said. “That is the goal. As a collective industry, we want to be able to do assessments at those sites. But at this time, that is not something that’s currently being done.”

Alexandra Cech, Director of Responsible Sourcing at the Responsible Business Alliance (of which RMI is an initiative), also told *The Independent* that the complexity of ASM makes it very challenging to assess.

“At this time, the primary entity would be considered the DRC government agency, SAEMAPE [the mining sector regulator]. It can be extremely hard to assess these entities especially if you’re not the legal authority or a law enforcement agency. The scope of our influence is really of the refiners that enter into our program,” Ms. Cech said in a phone interview this month.

Between 2020 and 2021, GBA set up a “Cobalt Action Partnership” (CAP) to “immediately and urgently eliminate child and forced labor from the cobalt value chain, contribute to the sustainable development of communities, and respect the human rights of those affected”.

Among CAP’s actions are supporting responsible production and sourcing of Congolese cobalt, formalizing the ASM industry in the DRC, and supporting a fund for the prevention of child labour in mining communities.

Inga Petersen, GBA’s Executive Director, told *The Independent* that a number of local partners in the DRC helped inform CAP’s framework.

These included United Nations’ agencies, UNICEF and the International Labour Organisation, the non-governmental organisation Pact, and Fair Cobalt Alliance—co-founded by a number of companies including mining multinational Glencore and Huayou Cobalt, the world’s largest single cobalt refiner—to “improve the lives of mining communities in the DRC”.

“We convened stakeholders to agree on a set of expectations on the sustainable sourcing of artisanal cobalt,” Ms. Petersen said in a phone interview. “When it comes to the validation of individual sites, this is not within our mandate or our capacity. For us, it was about achieving a consensus on how these conditions can be improved, because they are systematic levers for change.”

The DRC’s *Ministere des Mines*, the government department responsible for mining sector policy, did not respond to an email seeking comment from *The Independent*.

Mr. Kara argued in his discussion with *The Independent* that “there’s not much happening of any merit to assist the people of the Congo in addressing the human rights and environmental violations taking place every day as a consequence of cobalt mining.”

‘PEOPLE OF GOOD CONSCIENCE WON’T STAND FOR IT’

A measure of hope exists with the DRC’s current leader, President Felix Tshishkedi, who has undertaken an anti-corruption campaign to investigate previous contracts made with Chinese mining companies, including the dealings of the country’s former president [and his one-time political ally] Joseph Kabila.

Mr. Tshishkedi also seems interested in building a relationship with the United States. Last month, he signed a joint “Memorandum of Understanding” with the Biden administration and Zambia to “strengthen the electric vehicle battery value chain”.

Mr. Tshishkedi is up for re-election later in 2022, and, per Mr. Kara, Mr. Kabila is reportedly poised to launch a political comeback with the support of Chinese backers.

If there is not swift action for the Congolese people, an even greater injustice waits in the wings, he adds.

“Some 20 years from now the people of Congo will be left with dirt and nothing to show for it aside from the utter destruction of their environment, and all the injury, assault and death they’ve endured across that period of time,” Mr. Kara told *The Independent*.

Mr. Kara hopes that *Cobalt Red* will shine a light on the rampant human rights abuses of the Congolese miners, and force companies to take action by “investing in the communities upon whose labor and resources their great fortunes are being built”.

“But for the enormous demand of cobalt from consumer-facing tech and EV companies, this entire subsequent chain of injustice would not be taking place. Demand starts at the top, so that’s where solutions have to start as well,” he said. “If it were colonial times, they could probably ignore, quash it and carry on. But we live in a period in history when the dignity and human rights of poor African people is equal

to our own. People of good conscience won't stand for Africans to be treated in these subhuman, colonial ways."

Or, as he writes in *Cobalt Red*: "We would not send the children of Cupertino to scrounge for cobalt in toxic pits, so why is it permissible to send the children of the Congo?"

Blog post entitled, "The DRC Mining Industry: Child Labor and Formalization of Small-Scale Mining," by Michele Fabiola Lawson, Wilson Center, September 1, 2021, Submitted for the Record by Hon. Derrick Van Orden

THE DRC MINING INDUSTRY: CHILD LABOR AND FORMALIZATION OF SMALL-SCALE MINING

by Michele Fabiola Lawson

Wilson Center, September 1, 2021

<https://www.wilsoncenter.org/blog-post/drc-mining-industry-child-labor-and-formalization-small-scale-mining>

Last year, many took to social media using the hashtag #NoCongoNoPhone to fight against the cobalt supply chain that fosters child labor and the exploitation of small-scale artisanal miners. The Democratic Republic of Congo (DRC) has some of the world's most valuable minerals, such as copper, gold, coltan, cobalt, and diamonds, and has the earth's second-largest forest after the Amazon. Yet, the DRC is one of the world's poorest countries as poverty and humanitarian crises plague its citizens.

More than half of the world's cobalt resources are located in the DRC, and over 70% of the world's cobalt mining occurs there. Artisanal miners produce 20% of the country's cobalt output. The remainder comes from foreign-owned firms, primarily Chinese, whose rechargeable battery industry accounts for around 60% of global cobalt demand.

Cobalt is an essential raw material used by large tech companies for rechargeable lithium-ion batteries, electronic devices, and electric cars. However, the DRC's valuable cobalt industry comes at a price: extraction of the mineral is linked to child labor, safety risks, environmental abuses, and corruption. If the DRC fails to adopt and enforce stricter regulations to protect small-scale miners, these trends will increase alongside the technology-driven surge in cobalt demand, projected to grow by 60% by 2025.

CHILD LABOR

Small-scale mining in the DRC involves people of all ages, including children, obligated to work under harsh conditions. Of the 255,000 Congolese mining for cobalt, 40,000 are children, some as young as six years. Much of the work is informal small-scale mining in which laborers earn less than \$2 per day while using their own tools, primarily their hands.

As global demand for Congolese mineral resources increases, so do the associated dangers that raise red flags for Congolese miners' human rights.

Numerous big-tech companies like Apple, Alphabet (Google's parent company), Dell, Microsoft, and Tesla were cited in a lawsuit over deaths and serious injuries sustained among child laborers in DRC cobalt mines. The attempt to hold big-tech accountable is a positive step that must be accompanied by increased public awareness of child labor exploitation and the deplorable work conditions of small-scale mining.

ENVIRONMENTAL IMPLICATIONS

Growing global demand for cobalt implies that Congo's environment will suffer, especially if precautions are not taken to ensure sustainability. The extraction of DRC mineral resources includes cutting down trees and building roads, negatively impacting the environment and biodiversity. Moreover, although cobalt is a crucial component in global greening and renewable energy, its quick extraction contributes to global warming. Cobalt mining operations generate incredibly high carbon dioxide and nitrogen dioxide emissions and substantial electricity consumption. These emissions contribute to the fact that Africa produces five percent of carbon dioxide emissions globally.

BIG TECH EFFORTS TO FORMALIZE ARTISANAL SMALL-SCALE MINING SECTOR

In response to these pressures, several global big-tech companies, including BMW Group, BASF, Samsung SDI, and Samsung Electronics, launched Cobalt for Development in 2019 to support ethical and safer practices in the DRC's cobalt mining industry. Volkswagen joined the project in 2020. With the aim of making artisanal small-scale cobalt mining more sustainable, Cobalt for Development will run for an initial period of three years to analyze how the workers' lives, work environment, and communities can be improved. This initiative solicits local input to ensure sustainability and enhance local ownership. Cobalt for Development is carrying out impactful activities that have benefited over 1,800 community members in the DRC's Kisote and neighboring areas by increasing access to education and holding workshops on topics ranging from bread-making to women's rights, positive parenting, and conflict resolution. This approach helps parents diversify their incomes and reduce or eliminate families' reliance on child labor.

Tesla Inc., projected to need more cobalt as it expands production and sales in Europe and China, joined the fledgling Fair Cobalt Alliance in 2020. This new initiative aims to support artisanal miners, as carmakers and mining companies seek to reassure customers they are adhering to appropriate safety regulations. The Alliance's stated goal is to improve workers' conditions and cease child labor in DRC cobalt mines. Glencore, an Anglo-Swiss multinational commodity trading and mining company, has also joined the initiative. Tesla also announced in 2021 a pilot blockchain program to trace cobalt from mine to product as a way of introducing transparency into the supply chain.

Out of fear of being associated with mining firms that access cobalt through child labor, some individual tech companies have decided to stop purchasing from small-scale miners altogether. This strategy threatens livelihoods in many DRC communities that depend heavily on small-scale mining for jobs and income.

This, in turn, underscores the importance of fully formalizing the DRC's small-scale cobalt mining industry, which accounts for 20% of the country's cobalt output.

With the assistance of multinational companies in the big tech and other sectors, measures can be taken to make cobalt extraction sustainable and safer for the communities mining the mineral.

This assistance will enable Congo's small-scale miners to be better compensated, have the proper equipment, and operate safely while eradicating child labor. An additional benefit is that artisanal miners can work small deposits that would be uneconomical for large mining companies.

CALL TO ACTION

Informed consumers need to be aware of the technology sector's impact on the Congolese people and the environment. The explosive growth in worldwide cobalt is driven by consumers around the globe and has global environmental effects. Ensuring workers' safety and protecting the environment will benefit not only Congolese miners but also humankind's efforts against global warming. Consumers must be aware that quickly disposing of old cell phones and other gadgets powered by cobalt to acquire the latest models can come at the expense of others' lives. One's concern for Congolese children working in the mines should not stop at online activism; it must extend to real-world choices.

Article entitled, "The Dark Side of Congo's Cobalt Rush," by Nicolas Niarchos, The New Yorker, May 24, 2021, Submitted for the Record by Hon. Derrick Van Orden

THE DARK SIDE OF CONGO'S COBALT RUSH

Cell phones and electric cars rely on the mineral, causing a boom in demand. Locals are hunting for this buried treasure—but are getting almost none of the profit.

by Nicolas Niarchos

The New Yorker, May 24, 2021

<https://www.newyorker.com/magazine/2021/05/31/the-dark-side-of-congos-cobalt-rush>

In June, 2014, a man began digging into the soft red earth in the back yard of his house, on the outskirts of Kolwezi, a city in the southern Democratic Republic of the Congo. As the man later told neighbors, he had intended to create a pit for a new toilet. About eight feet into the soil, his shovel hit a slab of gray rock that

was streaked with black and punctuated with what looked like blobs of bright-turquoise mold. He had struck a seam of heterogenite, an ore that can be refined into cobalt, one of the elements used in lithium-ion batteries. Among other things, cobalt keeps the batteries, which power everything from cell phones to electric cars, from catching fire. As global demand for lithium-ion batteries has grown, so has the price of cobalt. The man suspected that his discovery would make him wealthy—if he could get it out of the ground before others did.

Southern Congo sits atop an estimated 3.4 million metric tons of cobalt, almost half the world's known supply. In recent decades, hundreds of thousands of Congolese have moved to the formerly remote area. Kolwezi now has more than half a million residents. Many Congolese have taken jobs at industrial mines in the region; others have become “artisanal diggers,” or *creuseurs*. Some *creuseurs* secure permits to work freelance at officially licensed pits, but many more sneak onto the sites at night or dig their own holes and tunnels, risking cave-ins and other dangers in pursuit of buried treasure.

The man took some samples to one of the mineral traders who had established themselves around Kolwezi. At the time, the road into the city was lined with corrugated-iron shacks, known as *comptoirs*, where traders bought cobalt or copper, which is also plentiful in the region. (In the rainy season, the earth occasionally turns green, as a result of the copper oxides beneath it.) Many of the traders were Chinese, Lebanese, and Indian expats, though a few Congolese had used their mining profits to set up shops.

One trader told the man that the cobalt ore he'd dug up was unusually pure. The man returned to his district, Kasulo, determined to keep his find secret. Many of Kasulo's ten thousand residents were day laborers; Murray Hitzman, a former U.S. Geological Survey scientist who spent more than a decade travelling to southern Congo to consult on mining projects there, told me that residents were “milling about all the time,” hoping for word of fresh discoveries.

Hitzman, who teaches at University College Dublin, explained that the rich deposits of cobalt and copper in the area started life around eight hundred million years ago, on the bed of a shallow ancient sea. Over time, the sedimentary rocks were buried beneath rolling hills, and salty fluid containing metals seeped into the earth, mineralizing the rocks. Today, he said, the mineral deposits are “higgledy-piggledy folded, broken upside down, back-asswards, every imaginable geometry—and predicting the location of the next buried deposit is almost impossible.”

The man stopped digging in his yard. Instead, he cut through the floor of his house, which he was renting, and dug to about thirty feet, carting out ore at night. Zanga Muteba, a baker who then lived in Kasulo, told me, “All of us, at that time, we knew nothing.” But one evening he and some neighbors heard telltale clanging noises coming from the man's house. Rushing inside, they discovered that the man had carved out a series of underground galleries, following the vein of cobalt as it meandered under his neighbors' houses. When the man's landlord got wind of these modifications, they had an argument, and the man fled. “He had already made a lot of money,” Muteba told me. Judging from the amount of ore the man had dug out, he had probably made more than ten thousand dollars—in Congo, a small fortune. According to the World Bank, in 2018 three-quarters of the country's population lived on less than two dollars a day.

Hundreds of people in Kasulo “began digging in their own plots,” Muteba said. The mayor warned, “You're going to destroy the neighborhood!” But, Muteba said, “it was complicated for people to accept the mayor's request.” Muteba had a thriving bakery and didn't have time to dig, but most locals were desperate. In Congo, more than eighty-five percent of people work informally, in precarious jobs that pay little, and the cost of living is remarkably high: because the country's infrastructure has been ravaged by decades of dictatorship, civil war, and corruption, there is little agriculture, and food and other basic goods are often imported. For many Kasulo residents, the prospect of a personal cobalt mine was worth any risk.

About a month after the man who discovered the cobalt vanished, the local municipality formally restricted digging for minerals in Kasulo. According to Muteba, residents implored the mayor: “We used to mine in the bush, in the forest. You stopped us. You gave all the city to big industrial companies. Now we discovered minerals in our own plots of land, which belonged to our ancestors. And now you want to stop us? No, that is not going to work.” Muteba recalled, “People started to throw rocks at the mayor, and the mayor ran away. And, when the mayor fled, the digging *really* started.”

Odilón Kajumba Kilanga is a *creuseur* who has worked in the Kolwezi area for fifteen years. He grew up in southern Congo's largest city, Lubumbashi, which is near the Zambian border, and as a teen-ager he worked odd jobs, including selling tires by the roadside. One day when he was eighteen, a friend who had moved to

Kolwezi called him and urged him to join a cooperative of *creuseurs* which roamed from mine to mine, sharing profits. "There were good sites that you could just turn up to and work," Kajumba said, when we met in Kolwezi.

In those days, it took eight hours to get from Lubumbashi to Kolwezi by bus, on a rutted two-lane road. The thickets on either side of the highway crawled with outlaws, who occasionally hijacked vehicles using weapons they'd leased from impoverished soldiers. Once, bandits stopped a bus and ordered the passengers to strip; the hijackers took everything, even people's underwear.

Kajumba knew that the journey to Kolwezi was dangerous, but he said of the *creuseurs*, "If they tell you to come, you come." At first, the work, though strenuous, was exciting; he began each shift dreaming of riches. He had some stretches of good luck, but he never made the big score that would transform his life. Now in his mid-thirties, he is a laconic man who becomes animated only when he is discussing God or his favorite soccer team, TP Mazembe. Mining no longer holds romance for him; he sees the work as a symptom of his poverty rather than as a path out of it. When you are a *creuseur*, he said, you are "obliged to do what you can to make ends meet," and this necessity trumps any fears about personal safety. "To be scared, you must first have means," he said.

Kajumba joined the mining economy relatively late in life. In Kolwezi, children as young as three learn to pick out the purest ore from rock slabs. Soon enough, they are lugging ore for adult *creuseurs*. Teen-age boys often work perilous shifts navigating rickety shafts. Near large mines, the prostitution of women and young girls is pervasive. Other women wash raw mining material, which is often full of toxic metals and, in some cases, mildly radioactive. If a pregnant woman works with such heavy metals as cobalt, it can increase her chances of having a stillbirth or a child with birth defects. According to a recent study in *The Lancet*, women in southern Congo "had metal concentrations that are among the highest ever reported for pregnant women." The study also found a strong link between fathers who worked with mining chemicals and fetal abnormalities in their children, noting that "paternal occupational mining exposure was the factor most strongly associated with birth defects."

This year, cobalt prices have jumped some forty percent, to more than twenty dollars a pound. The lure of mineral riches in a country as poor as Congo provides irresistible temptation for politicians and officials to steal and cheat. Soldiers who have been posted to Kolwezi during periods of unrest have been known to lay down their Kalashnikovs at night and enter the mines. At a meeting of investors in 2019, Simon Tuma Waku, then the president of the Chamber of Mines in Congo, used the language of a gold rush: "Cobalt—it makes you dream."

After Kasulo's mayor fled, many residents began tearing away at the ground beneath them. Some wealthier locals hired *creuseurs* to dig under their houses, with an agreement to split the profits. Two teams of *creuseurs* could each work twelve-hour shifts, chipping at the rock with hammers and chisels. A pastor and his congregation began digging under their church, stopping only for Sunday services.

By the end of 2014, two thousand *creuseurs* were working in the neighborhood, with little regulation. Kajumba and his cooperative soon joined in the hunt for minerals. One man on Kajumba's team, Yannick Mputu, remembers this period as "the good times." He told me, "There was a lot of money, and everybody was able to make some. The minerals were close to the surface, and they could be mined without digging deep holes."

But the conditions quickly became dangerous. Not long after the mayor formally prohibited excavating for minerals, a mine shaft collapsed, killing five miners. Still, people kept digging, and by the time researchers for Amnesty International visited, less than a year after the discovery of cobalt in Kasulo, some of the holes made by *creuseurs* were a hundred feet deep. Once diggers reached seams of ore, they followed the mineral through the soil, often without building supports for their tunnels. As Murray Hitzman, the former U.S.G.S. scientist, pointed out, the heterogenite closest to the surface often contains the least cobalt, because of weathering. *Creuseurs* in Kasulo were risking their lives to obtain some of the worst ore.

One of Kajumba's teammates told me that their cooperative of six used to regularly extract two tons of raw material from a single pit in Kasulo. But most of the best sites were quickly excavated, and the yield from newer pits was less than half as much. The team was also ripped off by unscrupulous traders and corrupt officials. Kajumba said that lately he has struggled to pay his rent of twenty-five dollars a month. "Whenever we dig up a few tons, I send some money to my family," he added.

Drug and alcohol use are rampant among *creuseurs*. Kajumba said that, though many people he knew in Kasulo wasted all their earnings on narcotics, he avoided such temptations. Whenever I met up with him, he made a point of drinking a cola.

Children who work in the mines are often drugged, in order to suppress hunger. Sister Catherine Mutindi, the founder of Good Shepherd Kolwezi, a Catholic charity that tries to stop child labor, said, "If the kids don't make enough money, they have no food for the whole day. Some children we interviewed did not remember the last time they had a meal."

Researchers estimate that thousands of children work in mining in Kolwezi alone. Mark Canavera, a faculty member at Columbia University who focusses on child welfare, has spent time in Kolwezi. "I don't think the government has any capacity to monitor children's involvement in this," he told me. "Even if it did, it doesn't have a framework for thinking about what is child labor and what isn't." In such a poor region, parents often expect their children to supplement the family's income, even if the work is dangerous.

At a school run by Good Shepherd, I met Ziki, a serious boy with large dark eyes. He was fifteen but, because he had been malnourished for long periods, he looked much younger. His parents had been killed in a roadside accident when he was three; afterward, he was sent to live with his father's sister. "My aunt sent her kids to school but sent me to the mines," he said. "I was full of bitterness." He joined a team of boys who roved across Kolwezi.

I was initially skeptical that Ziki had begun working at such a young age, but Mutindi said that she has seen many such cases. "The younger children of four, five, six, seven, these will mainly be collecting—picking stones," she said. "It's amazing how they know the value." Children are eventually given such jobs as washing ore or carrying heavy sacks of rocks to traders who loiter near the sites on motorcycles. When I visited Kolwezi, streams alongside the city's main roads teemed with women and children washing minerals.

As Ziki and his friends grew older, they began entering pits dug by *creuseurs*. The tunnels were square, four or five feet across, and about sixteen feet deep. It was infernally hot inside them, and oxygen was scarce. "As you were descending, there were rocks that you held on to," he recalled. "If you held on to the wrong rock and it loosened from the wall, you would tumble into the hole. I would bump into older people who were going down into the pits, and they would tell us, 'You children, if you enter you will die.'"

Ziki worked at mine sites around Kolwezi for eleven years. Although Congo's government periodically claimed that it was cracking down on child labor, few adults tried to stop him from working. "Soldiers would hunt us," he recalled. "If they caught you, they would beat you." He went on, "If you sold your minerals, when you had money, there were street kids, thugs, who could stop you on the road and snatch your money. To pass safely, you had to pay five hundred francs"—about fifty cents—"so you could have safe passage. If you gave them nothing, they would beat you."

Copper has been mined in Congo since at least the fourth century, and the deposits were known to Portuguese slave traders from the fifteenth century onward. Cobalt is a byproduct of copper production. In 1885, Belgium's King Leopold II claimed the country as his private property and brutally exploited it for rubber; according to "King Leopold's Ghost," a 1998 book by Adam Hochschild, as many as ten million Congolese were killed. But, because of local resistance and the inaccessibility of the region, large-scale commercial mining didn't begin in the south until the twentieth century.

Kolwezi was founded in 1937 by the Union Minière du Haut-Katanga, a mining monopoly created by Belgian royal decree. These colonialists may not have matched the atrocities of King Leopold, but they still saw the country in starkly exploitative terms. They understood that the best way to extract Congo's mineral wealth quickly was to create infrastructure. The company cleared the thickets of thorny acacias and miombo trees that had grown atop Kolwezi's rich mineral deposits and built the town across the area's rolling hills, with wide streets and bungalows for Europeans, whose neighborhoods were segregated from those where Congolese workers lived. Locals were used to create this infrastructure, and to labor in the mines, but, as Hitzman put it, "the whites ran everything."

After independence, the southernmost province, Katanga, was viewed as a prize by Cold War powers. In the sixties, Katanga unsuccessfully tried to secede, with the support of Belgium and the Union Minière. Then, in 1978, Soviet-armed and Cuban-trained rebels seized Kolwezi and several hundred civilians were killed. Before the insurrection, the Soviet Union appeared to have been stockpiling cobalt, and, according to a report by the C.I.A., the attack set off "a round of panic buying and hoarding in the developed West." Cobalt, the report declared, "is one of the most critical industrial metals." Then, as now, the mineral was used in the manufacture of corrosion-resistant alloys for aircraft engines and gas turbines.

The West's solution to the market instability was to prop up the country's dictator, Mobutu Sese Seko, who presided over an almost farcically kleptocratic regime. The country's elite sustained themselves, in part, on the profits from the mines. Gécamines, a state-controlled mining company, ran a virtual monopoly in Katanga's copper-and-cobalt belt, and owned swaths of the cities that had been built to house miners.

By the early nineties, Mobutu and his cronies seemed to have stolen everything they could, and Congo was falling apart. As the country drifted toward civil war, the Army pillaged Gécamines, and former workers sold off minerals and machine parts in order to feed their families. In 1997, Mobutu went into exile. The disintegration of Gécamines transformed Congo's mining landscape. *Creuseurs* began digging at the company's largely abandoned sites, selling ore to foreign traders who had stayed behind after Mobutu was deposed.

Congo became mired in a series of wars in which more people were killed than in any other conflict since the Second World War. The country's next leader, Laurent-Désiré Kabila, was assassinated, in 2001, and his son Joseph took over. Both Kabilas funded their war efforts by selling Gécamines sites to foreigners. By the time Hitzman arrived, in the mid-two-thousands, Gécamines had become a shell. "Some of the best geologists I've ever met in my life were still working for Gécamines, and hadn't been paid for three years," Hitzman said. "It was sad as hell."

Some *creuseurs* in Odilon Kajumba Kilanga's collective used to work for Gécamines. Yannick Mputu, who is from Likasi, three hours east of Kolwezi, told me that he once reprocessed tailings at a company mine in his home town, adding, "When Gécamines closed, we had to go to Kolwezi."

The collective regularly sneaked into open-pit mines that are now owned by companies like the Swiss multinational Glencore. "We enter at night, we work, and leave early in the morning," Mputu told me. He noted that *creuseurs* put something aside for the soldiers and the police who supposedly prohibit outsiders from entering: "We give them a percentage of our earnings, and they let us in."

In June, 2019, more than forty *creuseurs* were killed in a landslide after breaking into a Glencore-owned mine in Kolwezi. Kajumba and his friends were also at the site that night, but they were working a different seam. "The worst thing I've seen as a miner is the sheer number of dead bodies when there were cave-ins," Kajumba said. The night after the Glencore landslide, a mining-company employee told me, "people snuck back in and continued digging."

Videos of Kasulo taken during the height of the 2014 cobalt rush show orange tarpaulins covering fresh pits and bags of minerals littering the streets. Michael Kavanagh, a journalist, visited the district a year later, and published an article in the *Times* observing that the profusion of holes made it look "as if it had been bombed." At one point, after *creuseurs* tunnelled beneath the main road running west to Angola, the road collapsed.

Kajumba and his team were part of this initial frenzy. They knew that picking at the rock beneath Kasulo's sandy soil was treacherous, especially during the rainy season, but they were happy not to be risking arrest, as they were when they broke into the big mines. One day in December, 2014, Kajumba and other *creuseurs* were working a pit at Kasulo when they felt a rumble. "It was as if something was falling deep underneath us," Kajumba recalled. They knew that, the previous day, a group of *creuseurs* working in a neighboring hole had asked a local chief to perform a ritual over a new area where they had been digging. *Creuseurs*, many of whom have little formal education and enter pits every day fearing that they might die, can be superstitious. Magic practitioners, known as *féticheurs*, are sometimes employed in the hope of increasing the chances that a fresh pit will contain bounties of cobalt and copper.

Such rituals are often benign, but they can have a sinister side. Among the prevailing superstitions in the region is a belief that having sex with a virgin girl will enhance one's luck in the mines. While I was in Kolwezi, Mutindi, of Good Shepherd, showed me photographs of the bruised corpse of an eight-year-old girl who had been abducted and raped by a *creuseur* the previous week. (The miner was later apprehended; she sent me a video of him in prison.) Children frequently die while being raped. In one case, Mutindi said, she saw the body of an eighteen-month-old infant who had been raped by a *creuseur*.

At Kasulo, the *féticheur* who had performed the ritual over the neighboring pit had warned the miners not to enter it for three days, to avoid angering a dragon that, he said, lived at the bottom. The *creuseurs* were told that the pit would then be safe—and full of minerals. Rumors of the pit's riches spread, and a day later some miners decided to disobey the *féticheur*. "*Creuseurs* have curiosity," Mputu said. "They wanted to see what was down there."

After Kajumba and Mputu felt the ground shudder, they rushed to the neighboring hole. Part of the tunnel had caved in, trapping their neighbors deep below. Some fifty people vaulted into the darkness, desperate to save their friends. Rescuers nearly suffocated in the subterranean passages. Eleven of the trapped miners died, as did four rescuers.

Following another series of *féticheur* rituals, and another period of waiting, all the bodies were pulled from the hole. Some were horrifically burned. “The last person who escaped from the pit said that he saw a huge flame,” Mputu told me. The fire’s origin was unclear, but artisanal miners can unearth pockets of flammable gas. To Mputu and his colleagues, the accident had supernatural trappings. “The cause of the flame was none other than the dragon,” he told me.

Nine months after the cave-in, another group of *creuseurs* in Kasulo burned a tire in an underground gallery, in an attempt to crack open a stubborn rock face. Five people asphyxiated from the fumes; thirteen others were hospitalized. After the incident, Radio Okapi, a media group sponsored by the United Nations, interviewed Kolwezi’s mayor, who said that a year earlier he had sent a report to his superiors urging the closure of the artisanal pits. According to Radio Okapi, the mayor “expressed regret that no site was closed because of this request.” The report noted that more than a thousand holes had been dug in Kasulo.

The Democratic Republic of the Congo was reorganized in 2015, and Kolwezi became the new capital of a region called Lualaba. The first governor of Lualaba, Richard Muyej Mangez Mans, promoted himself as Papa Solution. In Kolwezi, many benches at bus stops were painted with his nickname. In an interview with the magazine *Mining and Business*, Muyej spoke critically of the cobalt “contagion” in Kasulo. “A plan is needed to avoid hasty movements that could turn into a humanitarian tragedy,” he said. “We have made a project proposal that we will submit to the authorities.”

The proposal, which Muyej didn’t disclose at the time, involved granting the mineral rights at Kasulo to a foreign company: Congo Dongfang International Mining, a subsidiary of Zhejiang Huayou, a Chinese conglomerate that, among other things, has supplied materials for iPhone batteries. China is the world’s largest producer of lithium-ion batteries, and Huayou has made a huge investment in Congo. After acquiring mineral rights in the region, in 2015, it built two cobalt refineries. According to an internal presentation, by 2017 Huayou controlled twenty-one percent of the global cobalt market. (A Huayou spokesperson said that Congo Dongfang followed international standards in developing Kasulo, and plans to “gradually eradicate all forms of human-rights violation with a responsible supply chain.”)

China and Congo have a long history. During Leopold’s reign, Chinese workers were shipped to Congo to help build the national railroad. In the nineteen-seventies, Mobutu turned to Mao’s regime for technical collaboration on infrastructure projects. By the nineties, the Chinese were becoming the bosses: the Beijing government and myriad Chinese businesses began making heavy investments in Africa, particularly in resource-rich and regulation-poor countries like the Democratic Republic of the Congo. Peter Zhou, a Chinese-born financier who has worked on a few mining deals in Congo, said that in such countries “there is corruption, there is lack of the rule of law, which gives you more autonomy to be entrepreneurial.” (Zhou emphasized that he hadn’t directly witnessed or engaged in corruption.) In 2007, Joseph Kabila made a six-billion-dollar infrastructure deal with China that included a provision allowing the Chinese to extract six hundred thousand tons of cobalt.

The journalist Howard French, in his 2014 book, “China’s Second Continent,” writes that in Zambia, Congo’s neighbor, Chinese companies invested so extensively in copper mines that the flood of foreign money was said to be influencing elections. Beijing was blamed for increasing Africa’s debt burden, and an essay in the magazine *New African* accused China of “a new form of colonialism.”

These days, most of the cobalt in southern Congo comes from industrial mines, which are largely owned by Chinese companies. In 2016, China Molybdenum paid the U.S. company Freeport-McMoRan \$2.65 billion for a controlling stake in Tenke Fungurume, a giant copper-and-cobalt mine about two hours east of Kolwezi; three years later, China Molybdenum acquired another stake, for \$1.14 billion. Zhou, who worked on the Tenke Fungurume deal, divided the current Chinese involvement in Congo into two phases. At first, he said, companies had to take significant financial risks, because “there was a lack of infrastructure—the cost base is high to transport all the materials.” They also had to pay bribes to government officials and Gécamines executives. During this phase, Chinese companies were incentivized to make money by whatever means possible. “If you conduct your business without, you know, a proper return, then you can’t justify the risk,” Zhou told me. During this period, he said, mines had few safety protections.

With sufficient infrastructure in place, Zhou went on, the “Chinese are now conducting business in a more moral way. They have to keep the people in a peaceful mind-set, so they started to build a social relationship—training locals in how to grow out their culture, their schools.” He continued, “There’s less gray conduct now, and more of a sort of transparent business.”

In 2017, Chinese workers arrived in the village of Samukinda, half an hour northwest of Kasulo, and quickly constructed two dozen houses with corrugated-iron roofs. Kasulo residents were ordered to leave their neighborhood within two weeks. The Congolese government revealed that a mining permit had been granted to Congo Dongfang, which would remove the topsoil and then wall off what had once been the neighborhood. *Creuseurs* from an approved cooperative would be allowed to mine the site, and Congo Dongfang would become the exclusive buyer of Kasulo’s ore.

Congo Dongfang offered the families of Kasulo either a lump sum for their plots—up to twenty-five hundred dollars—or a new home in Samukinda. A consortium of local organizations wrote to Governor Muyej, protesting that the evictions were illegal, but he pressed on. Muteba, the baker, told me that on a rainy day a couple of months later, employees of Congo Dongfang “came with huge trucks to crush our houses.”

Around this time, Joseph Kabila announced that, after eighteen years in office, he would not run for reelection. In January, 2019, Félix Antoine Tshisekedi Tshilombo became President. The following spring, I met with Governor Muyej at his fortified compound in the center of Kolwezi. Muyej said that Tshisekedi would likely maintain the course set by Kabila—“a flight that we must take to get out of poverty.”

Muyej told me that he hoped to diversify the local economy through tourism and agriculture. Mining, he said, exacerbated inequalities—“enormous mineral wealth beside a population that lives in enormous precarity.” In 2018, *Forbes* praised Muyej’s governorship as “a model for bringing together economic prosperity, political transparency and social impact.” Yet it’s hard to imagine Kolwezi becoming a travel destination anytime soon. On a recent trip there, I tried to visit Katebi Lodge, a new lakeside resort. At the entrance, a metal gate topped with barbed wire, I was shooed away by a police officer toting a Kalashnikov. Apparently, the lake was too polluted to allow visitors.

Muyej often cited the building of a new governorate office—a gaudy structure rising above a sea of ramshackle cinder-block houses—to show how he had modernized Kolwezi. Renovations of the local soccer stadium and the town’s central roundabout, which features a statue of mine workers, were financed by mining companies.

Muyej told me that he hoped to reform the mining sector, in part, by reducing child labor and by centralizing the market where traders buy cobalt, thus instilling transparency in the supply chain. Critics have called such reforms cynical bids to control and tax artisanal production for personal gain. Muyej, his family, and officials close to him have profited from the mining boom. The Governor’s son Yves is the C.E.O. of a logistics company in Kolwezi; on LinkedIn, one of his employees describes himself as the site supervisor of the Congo Dongfang mine. Muyej’s cabinet chief, Yav Katshung, is a lawyer whose firm does work for Congo Dongfang. (Katshung and Yves Muyej both declined to speak to me.)

Muyej said that as many as a hundred and seventy thousand *creuseurs* work informally in his province. Among the forty or so sites where artisanal miners are employed as day laborers is the Congo Dongfang mine in Kasulo. Only eight hundred or so *creuseurs* work there, however, and that has stoked resentment. Jacques Kayembe, the president of an artisanal mining collective, told me, “Kasulo is a village that is built on mineral deposits, but not enough *creuseurs* can legally work on official artisanal deposits, and that’s a problem.”

Whenever Muyej tried to reason with *creuseurs* who had sneaked onto industrial concessions, he was attacked with stones, and in 2019 there was so much unrest in Kolwezi that the military was sent in. It has become common to see soldiers carrying machine guns and rocket launchers around the city. When I first visited the area, in 2019, a toll booth outside the city was riddled with bullet holes. A local journalist travelling with me said that a policeman at the booth had recently been murdered by gangsters.

Since the emergence of COVID-19, Congo’s south has endured a series of lockdowns. Kajumba said that *creuseurs* like him “continue to work, but the situation is difficult.” Companies have furloughed workers, adding to their frustration. Several months ago, a Congolese friend sent me a video of miners protesting for back pay at a Chinese-run mine in Kolwezi. As pandemic restrictions continued, my friend sent me footage of protesters burning tires in the streets.

Last year, the Platform to Protect Whistleblowers in Africa announced that two Congolese citizens had leaked documents revealing numerous improprieties at Afriland First Bank, a Cameroon-based institution where Muyej had at least one account. Muyej, it was revealed, had been moving hundreds of thousands of dollars through the bank. He is now under investigation in Congo for corruption, and his vice-governor is running Lualaba. According to Radio France Internationale, the Congolese authorities have accused Muyej of not being able to justify forty percent of his cabinet's expenses. (A representative for Muyej said that the Governor had done nothing wrong, and welcomed an audit of his finances.)

Huge sums of money continue to change hands in the region. In December, China Molybdenum paid Freeport-McMoRan half a billion dollars to acquire a controlling stake in Kisanfu, a copper-and-cobalt concession east of Kolwezi. At a recent conference sponsored by the *Financial Times*, Ivan Glasenberg, the C.E.O. of Glencore, said, "China, Inc., has realized how important cobalt is." He continued, "They've gone and tied up the supply." He warned that if Chinese companies stopped exporting batteries, this could hamper the ability of non-Chinese companies to produce electric vehicles. Last month, CATL, a Chinese conglomerate that develops and manufactures lithium-ion batteries, acquired a hundred-and-thirty-seven-million-dollar stake in the Kisanfu mine. Tesla works with the company to make its car batteries, and CATL has supplied batteries to Apple. Recently, according to witnesses at Kisanfu, a cave-in killed at least four *creuseurs*.

In the spring of 2019, I visited the Congo Dongfang mine in Kasulo, escorted by company representatives. Signs by the gate said that children and pregnant women were forbidden to enter. Inside the compound, the land that had once been a bustling neighborhood was now a giant red crater. (I saw no children during my visit, but Kajumba told me that they still find their way in.) My minders cautioned me not to wander too close to the *creuseurs*, as they were liable to be violent. Not long before my arrival, a group of them had set some company trucks on fire.

Kajumba said that Congolese had been employed to mediate between the *creuseurs* and company officials. Often, the *creuseurs'* demands were not met and they went on strike. "You go in to work and say, 'No, I won't do anything,'" Kajumba said. "The Chinese will feel unsafe and call in the police." The police, he said, do the company's bidding: "They know they will get a gift from the Chinese, so they will threaten you with teargas and batons." Kajumba said that he had been teargassed by police at Kasulo: "Everyone ran to save his life. We felt defenseless."

At some sites, the treatment of Congolese by their Chinese bosses is reminiscent of the colonial period. In a video shared with me by Mutindi, of Good Shepherd, a Congolese guard with a Kalashnikov slung across his back beats a man who is lying, semi-naked, in mud, his arms bound. Behind the camera, a man otherwise speaking Mandarin starts yelling "*Piga!*"—the Kiswahili word for "beat." In the background are seven of the trucks that Congo Dongfang uses to transport cobalt ore.

Upon my arrival at the mine, I had been given a long explanation of safety protocols, but as I approached the *creuseurs* it was clear that they had only rudimentary equipment. Plastic jerricans, cut roughly in half and tied to ropes, were being used to haul ore. Many *creuseurs* were shoeless, and I saw none wearing helmets or goggles, despite the fact that a confidential 2018 audit, by the Korean conglomerate LG Chem, had criticized the site for a lack of proper safety equipment.

Some *creuseurs* washed ore in dirty ponds by the pits. "The Chinese are cheating us," one of them murmured. "They're telling us the ore is less pure than it is." Kajumba said that he had stopped working at Kasulo six months earlier because he felt that he was being treated unfairly. "It's as if you were working to suffer even more," he told me.

In a warehouse at the site, I watched a man, his face grim, pulverizing ore on a concrete floor as two Chinese overseers scrutinized *creuseurs* from behind a barrier of chicken wire. No Chinese employee interacted with me, and nobody responded when I waved in greeting.

One night in Kolwezi, I went to a Chinese-run casino with a few Congolese friends. I was immediately allowed inside, but they were stopped at the door and told that they could not gamble. Black Africans, the casino's staff explained, can't be trusted with money. At a roulette table, a host of drunken white South Africans addressed a Congolese croupier as "Black man."

It's unclear how many Chinese live in Congo, though estimates range from fewer than ten thousand to as many as a hundred thousand. Before the pandemic, Ethiopian Airlines' daily flights from Addis Ababa into Lubumbashi were filled with Chinese passengers. When these workers arrive in a mining town, signs in Mandarin guide them to Chinese-run hotels, shops, and restaurants. Outside work, the Chinese rarely mingle with the locals. Very few of them know French or Kiswahili, the most commonly spoken languages of Congo's south. In a 2017 essay, the Congolese

political scientist Germain Ngoie Tshibambe wrote that many Chinese find their time in Congo lonely and difficult. “It is no paradise for migrants,” he noted.

Few locals patronize Chinese restaurants, which tend to be relatively expensive and not to their taste, but Chinese health clinics have become popular. The clinics offer a rare opportunity for casual social interaction—perhaps more so than at the mines themselves. In 2011, Jean Jolly, a French journalist, reported that one of Congo Dongfang’s directors of external relations had never visited the mine that he represented, two miles away.

Congolese who work at Chinese-run mines said that their supervisors were often racist. A Congolese translator who speaks Mandarin told me, “Chinese people are coming here for business to make money, so they can never be our friends.” He had overheard Chinese employers saying of the Congolese, “These people, they don’t really *think*.”

Creuseurs around Kolwezi frequently complained to me that Chinese-owned mines had replicated the harsh conditions of China’s own mining industry. Congolese often say, “If they work without shoes there, how can they be expected to give us shoes to work here?” A Western mine official told me he had visited a mine in Congo, owned by a small Chinese company, that had many Chinese laborers. It reminded him of an internment camp: “The Chinese were barefoot, they were digging with shovels, and they couldn’t leave.”

Peter Zhou, the Chinese-born financier, referred to the locals in Congo as his “Congolese brothers,” and argued that many big Chinese-run mines in the region had implemented strong safety standards. Recalling his first visit to southern Congo, Zhou said, “I wasn’t too surprised about the poverty, because I grew up in Shanxi Province, in the interior of China.” When he met with Congolese families in roughly constructed homes, he was reminded of the cinder-block rooms of his youth.

Zhou acknowledged that there was “a lot of corruption” in Congo’s mining sector, but he maintained that, with enough economic prosperity, the gray economy in Congo will fade, much as it has in China. “My Western friends come to it and say, ‘There are significant risks associated with business here,’” he said. “I see something familiar.”

During one of my visits to Kolwezi, Kajumba invited me to the cramped room that he shares with Yannick Mputu and Mputu’s brother, Trésor. I followed Kajumba down an alley in one of the town’s sprawling working-class neighborhoods. We entered a courtyard, hung with drying linens, that smelled strongly of sewage, then passed through a green doorframe covered with printed fabric.

Inside, the walls were painted various bright colors. Above a bed facing an old cathode-ray television was a rack of neatly pressed suits, shirts, and jackets, many with natty checks and patterns. Even though Kajumba struggles to get by, he keeps up with the latest fashions. On the day that I visited, he was wearing an orange gingham button-down paired with a black-and-white-speckled baseball cap.

Creuseurs take pride in the ingenuity required to do their job well, and some of them told me that they like the irregular working hours. But Trésor Mputu, who has two children living in Likasi, told me, “As a father, I wouldn’t accept my son going to the mines.” Yannick nodded. “I would want, through my labors, to enable my children to go further,” he said. “I want them to be able to study in good conditions, and for them to be able to leave the country to develop themselves.”

Even if artisanal mining supports poor families in the region, it’s hard to applaud it. The lives of most *creuseurs* are short and marked by suffering. Many have physical and psychological injuries from mine collapses and other accidents, and from violent confrontations with the police and the Army. Ziki, the former child *creuseur*, recalled an incident that took place when he was about twelve: “One Friday, we were sitting down, and soldiers came into the mine—they caught us. They threw us to the ground. They sprayed us with water and then began to whip us. We began to cry and ask for mercy. And we swore to them that we would never come again to this place.”

Soon afterward, Ziki left his group of friends, who had begun drinking and smoking heavily, and wandered around mine sites by himself. He began sleeping at sites, eating little and being abused by soldiers. At one point, he was taken hostage by older *creuseurs* who accused him of stealing their wares. In a stroke of luck, members of a CBS News crew met him while he was washing minerals. They encouraged his family to take him and his siblings out of the mines. “They asked my grandmother, ‘Aren’t these children capable of studying?’” he said. “My grandmother promised to take us back to school.” (CBS viewers donated money for their schooling.)

I asked Ziki what he thought of people who profited from cobalt mining. “I have sadness in my heart when I think of people who buy the minerals,” he said. “They

make so much money, and we have to stay like this.” When I told him that Americans paid more than a thousand dollars for the latest iPhone, he replied, “It really hurts me to hear that.”

The companies that use lithium-ion batteries periodically respond to public pressure about the conditions in cobalt mines by promising to clean up their supply chains and innovate their way out of the problem. There is also a financial incentive to do so: cobalt is one of a battery’s most expensive elements.

Last year, Tesla pledged to use lithium-iron-phosphate batteries, which do not contain cobalt, in some of its electric cars. Huayou stock plummeted. Still, Reuters noted, “it was not clear to what extent Tesla intends to use L.F.P. batteries,” and the company “has no plans to stop” using batteries that contain cobalt. (L.F.P. batteries aren’t used in cell phones: to achieve the required voltage, the batteries would have to be doubled up, adding unacceptable bulk and heft.)

After Amnesty International published a report on unethical cobalt mining, in 2016, Apple issued a statement saying that it “believes every worker in our supply chain has a right to safe, ethical working conditions,” and that “underage labor is never tolerated.” The following year, after a report by Sky News showed that cobalt mined by children was still being used in the company’s devices, Apple suspended purchases of hand-mined cobalt, but once the media attention died down the practice continued. Huayou remains part of Apple’s supply chain.

In December, 2019, attorneys from International Rights Advocates, a law firm in Washington, D.C., sued Apple, Google, Dell, Microsoft, and Tesla for involvement in the injuries or deaths of child miners. “These boys are working under Stone Age conditions for paltry wages, and at immense personal risk, to provide cobalt,” the complaint alleges. “The hundreds of billions of dollars generated by the Defendants each year would not be possible without cobalt mined in the D.R.C.”

Terry Collingsworth, the lawyer for the plaintiffs, believes that the brutal conditions must have been apparent from the start. “I can’t imagine that a company like Apple would become dependent upon a supply chain without having spent quite a bit of time on the ground,” he told me. In response, Apple said that it had been improving standards since 2014 and contended that it is “constantly working to raise the bar for ourselves, and the industry.” It also said that it had made innovations in cobalt recycling. (In August, 2020, the companies being sued jointly filed a motion to dismiss, and in October the plaintiffs filed a brief in opposition.)

The outcry over working conditions has led industry players to found the Fair Cobalt Alliance, an organization that, among other things, supports small-scale mining with safety equipment and clean water. The group is now present at Kasulo and at another site. Glencore, Huayou, and Tesla have joined the alliance.

Ziki, who is now in school, likes studying and playing soccer, and administrators have given him basic supplies to take home to his family. When I asked him what he hoped for in life, he replied, “I have the hope that I can become the governor!”

One Sunday morning, I met Kajumba and Trésor Mputu at the Temple Évangélique de Carmel, a hangar-style megachurch in the center of Kolwezi. The sign outside proclaims that it is the “thirtieth Pentecostal community in Congo.” Kajumba and Mputu attend services every Sunday. “When someone finds themselves in difficulties, they can come to the church, they can pray,” Kajumba said.

Inside, people swayed and sang, their hands outstretched. A few congregants spoke in tongues. On a stage covered with flowers, one of the pastors declared that the church was “worth more than any enterprise.” He promised that spiritual riches awaited even his poorest parishioners.

After church, Kajumba, Mputu, and I went to a local bar to watch the broadcast of a soccer match between a Malagasy team and TP Mazembe, which is passionately supported throughout the south. When Mazembe scored the first goal, Kajumba smiled. Suddenly, the television crackled, and the programming switched to another game, in Kinshasa, the nation’s capital. “They always forget us down here in the south,” someone said. Kajumba sighed and said that he should probably head home.

One day, driving north out of Kolwezi, I noticed how deeply faith permeated everything around me: the Mount Carmel health clinic, the Salon Apocalypse hairdresser, the Light of God tire shop. Eventually, the road became unpaved. Trucks carrying sulfuric acid threw up plumes of dust as they trundled toward factories where raw minerals are processed.

I turned onto a side road and crossed a creek where men, women, and children were washing cobalt ore. On the other side lay a cluster of mud-brick houses. This was Samukinda, the village where new houses had been built for the exiled residents of Kasulo.

The sun was punishingly hot that day, and I was grateful when Nama Mavu, the local chief, invited me into her home for a chat. “My ancestors came from Angola, and they set up the village in 1941,” she said. On her parlor wall there was an

image of Jesus, and a poster advertising a copper-and-cobalt mine. “My ancestors came here to build the railroad, and, when the construction of the railroad finished, they stayed.”

For years, the villagers farmed the surrounding bush, growing large crops of manioc, but about a decade ago the land became polluted after some foreign businessmen opened a cobalt-processing plant nearby. This left no source of employment for the villagers, except as low-paid day laborers. In 2018, the residents of Kasulo who had been displaced by the Congo Dongfang mine began to arrive.

As I walked through the village, children laughed and pointed at me, shouting “Chinese! Chinese!” Mavu said that the villagers were seldom visited by foreigners, even though their factories and mines now surrounded the town. She assigned two young men to escort me to the houses that Congo Dongfang had built. A row of modern-looking white buildings rose in the distance. As they came into focus, it was clear that their construction was slapdash.

Few of the homes were even occupied, as most of the original residents of Kasulo had accepted money instead. Those families who had chosen to take a house had been shown a brochure with beautiful pictures. But the homes turned out to have no electricity or bathrooms. The roofs leaked, and the well at the corner of the development was dry. Most of the families moved away.

Muteba, the baker, was one of the few arrivals from Kasulo who had remained in Samukinda. Now in his seventies and retired, he wore a soiled lab coat over his emaciated body. He welcomed me into his house, which was stifling hot. The roof was only roughly attached to the walls. He had dug himself a lavatory pit, which was covered with a board. “The water here, it’s not good,” he said. “The smell of acid and pollutants comes out of any hole we try to dig for water.”

Muteba, who was ill with diarrhea, wistfully recalled his home in Kasulo. “It was a big parcel of land,” he said. “It had at least fifteen trees—avocado trees, mango trees. All this was mine.” He continued, “We were chased out of our homes like animals, and now we suffer like strangers.”

Mavu told me that her village can hardly support its own inhabitants, much less the new ones from Kasulo. She has no means of transport, and Governor Muyej has refused to come and see her in order to take stock of the village’s problems. She asked me to change about twenty dollars’ worth of Zambian money that she had carefully folded away after making a trade with food importers. There is no school at Samukinda, and the nearest shops are miles away.

During my meeting with Governor Muyej, I raised some of the complaints I had heard at Samukinda. He insisted that I had “a bad comprehension of the issues.” He promised to address the dry well and the poor housing construction. When I returned to the village, five months later, Mavu told me that Papa Solution still hadn’t sent anyone: “All that has changed is that I am older.”

At the end of my first visit to Samukinda, I noticed mining tailings spread across a path. The residents had put them there to check erosion during the rainy season. I wondered if the tailings contained any cobalt, and a young villager told me that they probably did—after all, the entire region rested on mineral deposits. I then asked him if the residents of Samukinda had considered digging beneath the village. The young man shrugged and said that the people in his village didn’t want to suffer the same fate as those in Kasulo. Then he made a prediction: “In the end, they will come and kick us out of here.”

APPENDIX

QUESTIONS TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. SAM GRAVES

Question 1. Over the summer, the White House and you publicly discussed the importance of in-person work.¹ The Federal Aviation Administration (FAA) then announced that they would bring the larger workforce back three days a week starting in October.² Given the operational and safety oversight role of the agency, it is important the FAA prioritizes this transition. What is the status of the in-person work transition?

ANSWER. The FAA has thousands of employees who report to their worksites every day, including air traffic controllers, safety inspectors, engineers; and many more—all of whom support the safe operation of the nation’s aerospace system. When consistent with mission requirements, the FAA offers employees in certain positions work schedule flexibilities, such as telework and remote work. Guided by our safety mission and to meet the demands of the growing and diversifying aviation and aerospace industry, FAA notified telework-eligible employees of the expectation that they will report in-person to their official worksite an average of four (4) days per pay period beginning on January 28, 2024. FAA also provided managers with guidance to ensure the decisions they make about telework agreements focus on mission, operational, and business needs and follow applicable collective bargaining agreements and policy provisions.

Question 1.a. Members of this Committee have heard numerous constituent stories of Federal agencies and remote workers ignoring their questions. Can you detail how the FAA is ensuring remote workers are promptly responding to outreach?

ANSWER. FAA’s leadership expects that all employees—irrespective of duty station location—meet performance requirements outlined in their job duties and performance plan. FAA’s telework policy and agreements require employees on telework and remote work agreements to complete required work assignments and to fully engage in communication, accessibility, and collaboration. FAA’s telework policy also entrusts managers with the responsibility to ensure telework supports the work of the team and does not result in diminished individual, group/team, or organizational performance. Employees are expected to prioritize work effectively and maintain a performance rating of record of at least fully successful, or equivalent. In support of this, and as part of the agency’s effort to hold the workforce accountable, we have launched additional training on managing and working in hybrid teams for FAA managers and employees to amplify this expectation.

Question 1.b. Do you intend to return the FAA to a five-day, in-person work week or remain in a hybrid posture?

ANSWER. The FAA will continue to have thousands of employees who report to their worksites five days a week, including air traffic controllers, safety inspectors, engineers, and many more—all of whom support the safe operation of the Nation’s aerospace system. FAA has longstanding workplace flexibilities for eligible employees that support recruitment and retention of the specialized skillsets the FAA needs to meet future demands. Maintaining availability of these flexibilities, including telework, remain essential toward FAA being competitive as an employer of

¹Kayla Tausche, *White House Asks Cabinet Agencies to ‘Aggressively Execute’ Return to In-Person Work*, CNN, (Aug. 4, 2023), available at <https://www.cnn.com/2023/08/04/politics/white-house-cabinet-in-person-work/index.html>.

²Ann Giaritelli, *Biden pick to lead FAA promises hard push to end work-from-home policies*, WASHINGTON EXAMINER, (Oct. 4, 2023), available at <https://www.washingtonexaminer.com/policy/defense-national-security/biden-faa-nominee-promises-end-work-from-home>.

choice as compared to other agencies and private sector. Prior to the pandemic, one third of our workforce teleworked at least occasionally. We believe this posture supports a healthy operating environment—one that promotes in-person work and collaboration and continues leveraging workplace flexibilities where they make sense. Additionally, in the coming months we will be working to ensure alignment with Section 221 of the FAA Reauthorization Act of 2024 which authorizes the Administrator to set telework policies in a manner that does not adversely impact attainment of the FAA’s mission.

Question 1.c. Please provide the Committee with an update on the telework posture of the other modes within the Department of Transportation (DOT or Department). Have any returned completely in-person?

ANSWER. DOT has thousands of employees who report to their worksites every day across the modes, including air traffic controllers, safety inspectors, engineers, and many more. Consistent with the Telework Enhancement Act of 2010 (Public Law 111–292), DOT has for many years offered employees in certain positions work schedule flexibilities, including telework, when consistent with mission requirements and the nature of their job duties and functions. In July 2023, with the COVID–19 Public Health Emergency over and in accordance with Office of Management and Budget (OMB) Memo M–23–15 (Apr. 13, 2023), DOT announced plans to increase onsite presence by increasing the minimum number of days per pay period that employees with telework agreements in place are expected to report in person to their official duty location. DOT employees with a telework agreement are expected to report in person to their official duty location a minimum of four (4) days per pay period and nationally, around 76 percent of hours are performed in-person/onsite by DOT employees.

Question 2. The FAA recently published a proposed rule that will govern how powered-lift aircraft, an emerging industry of battery powered vertical takeoff and landing aircraft, will operate within our National airspace system. However, there are concerns the proposal diverges from the recommendations of the International Civil Aviation Organization (ICAO) and in some cases could even require a total redesign of an aircraft for the sole purpose of conducting flight training. Flight simulators are valuable tools that can prepare pilots for any event they may encounter in a real aircraft and are almost universally used today.

Please describe how the Department and the FAA will maximize the use of advanced flight simulators for training and testing the next generation of powered-lift pilots.

ANSWER. The FAA published the “Integration of Powered-Lift: Pilot Certification and Operations; Miscellaneous Amendments Related to Rotorcraft and Airplanes” Notice of Proposed Rulemaking (NPRM) in June 2023. In this NPRM, the FAA noted that, pursuant to existing regulations (14 CFR § 61.64(a)), an applicant for an aircraft type rating may use a Full Flight Simulator (FFS) for training and testing, provided the FFS represents the category, class, and type of aircraft for the rating sought. The FFS must be qualified and approved by the Administrator and used in accordance with an approved course of training under title 14 of the Code of Federal Regulations (CFR), part 141 or 142, or under 14 CFR part 121 or 135 if the applicant is a pilot employee of that air carrier operator.

Additionally, the FAA proposed to allow 15 hours of pilot-in-command training to be logged in an approved device (FFS level C) towards the aeronautical experience requirements under 14 CFR § 61.129(e). The FAA is carefully reviewing comments in this regard.

The FAA has proposed a process to address the qualification of flight simulation training devices (FSTDs) for powered lift. In the NPRM, the FAA proposed a process to permit qualification of FSTDs of powered-lift using components of existing standards for airplanes and helicopters, where applicable, as determined by the FAA, that would provide an equivalent level of safety to existing requirements. Further, in instances where existing standards are not found to be sufficient to fully evaluate an FSTD for a special class of aircraft, other FSTD qualification standards as proposed by the FSTD sponsor may be accepted by the Administrator as providing an equivalent level of safety. When establishing the qualification basis, the FAA will publish the proposed standard in the Federal Register for public notice and comment, including an explanation of the FAA’s safety determination. The ability to qualify an FSTD for powered-lift in this manner, as well as the notice and comment process, would closely follow the established process used to certify special classes of aircraft.

The FAA has already employed a similar process to enable the qualification of an FFS for a tilt-rotor aircraft.

Question 3. It is important that the Department of Transportation and the Maritime Administration are using up-to-date and accurate data for annual cargo tonnages handled at ports when deciding if ports are eligible for the small port set aside under the Port Infrastructure Development Program.

Please describe how the Department of Transportation and the Maritime Administration will ensure that accurate annual tonnage information specific to the applicant is being used, instead of broad regional data that does not reflect the true size of a port.

ANSWER. Consistent with the provisions in 46 U.S.C. § 54301(b)(1), the Department and Maritime Administration rely principally on U.S. Army Corps of Engineers (Corps) data to determine the annual average tonnage of cargo at a port when assessing whether an applicant is eligible for the small project at small port set aside under the Port Infrastructure Development Program (PIDP). Relying on Corps data ensures that MARAD is basing its decision on the most accurate and independently-verified data set available. Corps data on port tonnages is also the most uniform and comprehensive information that is publicly accessible. Thus, the use of Corps data ensures that MARAD, and an applicant, are able to rely on the same set of data that reflects the most accurate and consistent information about cargo tonnages.

To ensure a fair and uniform approach to the process of applying for PIDP funding, MARAD publishes information in the notice of funding opportunity soliciting applications for PIDP grants that identifies how it will determine whether an applicant qualifies as a small port. MARAD then hosts webinars for applicants. During the webinars, MARAD staff discuss the details of applying for PIDP grants and review the process MARAD will use in evaluating applications. MARAD hosts several webinars each year, with at least one dedicated to the small project at small port eligibility of PIDP. A portion of that webinar explains in detail how MARAD evaluates applicant eligibility for the small project at small port set aside. Finally, MARAD staff is available for consultation prior to application deadline in the event an applicant wants to verify its eligibility for the small project at small port set aside (or for any other questions related to the application process).

Question 4.a. Can you explain why the Department of Transportation and Maritime Administration continue to rely on the United States Coast Guard to do work that is not their responsibility, such as conducting environmental assessments for potential deepwater ports?

ANSWER. The Department's response is in the process of interagency clearance and will be provided to the Committee separately upon approval.

Question 4.b. Does the Department of Transportation and Maritime Administration have plans to reach an agreement or memorandum of understanding with the United States Coast Guard so that the Coast Guard no longer has to perform the deepwater port processing work that is statutorily the Department's responsibility?

ANSWER. The Department's response is in the process of interagency clearance and will be provided to the Committee separately upon approval.

Question 5. The Biden Administration released signage requirements for projects that receive funding from the Infrastructure and Investment Jobs Act (IIJA) (P.L. 117-58).³ Has the Department of Transportation released guidance for implementing signage terms and conditions to comply with these requirements?

ANSWER. Yes. The Office of Management and Budget has determined that the use of signing to increase public awareness of and transparency regarding the investments made by the Bipartisan Infrastructure Law (BIL) is a reimbursable expenditure under federal law.

Question 5.a. If yes, please provide a copy of the guidance.

ANSWER. The revised guidelines are available at <https://www.whitehouse.gov/wp-content/uploads/2023/02/Investing-in-America-Brand-Guide.pdf>.

Question 5.b. If not, please describe if the Department plans to issue guidance and the time frame in which that guidance can be expected.

ANSWER. N/A.

³THE WHITE HOUSE, BUILDING A BETTER AMERICA, THE BIPARTISAN INFRASTRUCTURE LAW, PROJECT FUNDING SOURCE SIGN ASSEMBLY, available at <https://www.whitehouse.gov/wp-content/uploads/2022/08/Building-A-Better-America-Brand-Guide.pdf>.

Question 6. In May, the Department of Transportation suffered a data breach that was classified as a “major incident” because more than 100,000 individuals’ information was compromised.⁴

Question 6.a. Can you describe actions the Department has taken to address the vulnerabilities exposed by the May data breach?

ANSWER. The DOT Chief Information Officer (CIO) and Chief Information Security Officer (CISO) assumed direct control and management of response and recovery activities upon awareness of the Adobe Cold Fusion incursion. The CIO assembled a team composed of the CISO, other OCIO personnel, representatives from the DOT Enterprise Security Operations Center (SOC), the information system owners for the affected systems, program personnel, and supporting contractors. Establishing daily meetings to coordinate response and recovery efforts, the CIO directed the development of short-term, mid-term, and longer-term actions to return systems and servers to an operational state, to assess for root cause and systemic vulnerabilities and weaknesses, and to identify and initiate action to remediate the identified vulnerabilities and weaknesses.

As part of the initial response phase of the effort aimed at identifying compromised systems, removing threat actors, improving monitoring and detection where needed, and strengthening security controls, at the direction of the CIO and CISO, the Department undertook the following response actions, among others, directed to this specific incursion by the perpetrator. The actions immediately below were over and above those done in the ordinary course, pursuant to ongoing measures already in place to protect DOT’s cybersecurity, such as blocking of malicious IP addresses as they are identified, scanning of the enterprise for threat indicia, and recurring training for all network and systems users.

- Immediate blocking of malicious IP addresses identified as associated with the threat actor.
- Scanning by DOT’s Enterprise Security Operations Center (SOC) and the DOT Cybersecurity Team of the entire DOT enterprise for indicators of compromise and tactics, techniques, and procedures (TTPs) associated with the specific threat actor.
- Upon identification of the specific threat actor’s TTPs, immediate blocking of malicious IP addresses identified in DOT’s forensic analyses as associated with that threat actor.
- Engagement of the Cybersecurity and Infrastructure Security Agency (CISA) and a contract response team, Palo Alto’s Unit 42, for additional assessment support and guidance.
- Assessment and reporting of a “major incident” to the Office of Management and Budget (OMB), CISA, the DOT Office of Inspector General, and Congressional Committees.
- Change of all passwords for the affected systems and devices, including those for non-interactive and/or administrative service accounts with elevated privileges and access that support databases and applications.
- Implementation of robust Multi-Factor Authentication (MFA) for internal, external, and privileged users where it had not already been implemented.
- Standardized training of System Owners, Information System Security Managers and Officers (ISSMs and ISSOs), developers and technical support staff of the affected systems on cyber requirements.
- Reconfiguration of critical security tools to adjust the weights for the scoring of risk to more readily identify impacted systems and networks in scans and reports.
- Scanning of the entire DOT enterprise for instances of similarly affected third-party software.
- Continued update of third-party application software to the latest versions under active support by the manufacturers.
- Review of developer and system administration contracts for the affected systems for compliance with the DOT Transportation Acquisition Regulation (TAR) and other good IT and cybersecurity practices, in coordination with the Department’s Office of the Senior Procurement Executive and Departmental contracting officials.
- Provided notification and credit monitoring to users of the TRANServe system (i.e., the Parking and Transit Benefits System).

⁴David Shepardson, *Data of 237,000 US government employees breached*, REUTERS, (May 15, 2023) available at <https://www.reuters.com/world/us/data-237000-us-government-employees-breached-2023-05-12/>.

As the Department made progress on response efforts, the CIO and Departmental leadership began transitioning activity to the recovery phase and restoring the affected systems and critical services to end users and stakeholders. As part of recovery efforts, the Department:

- Rebuilt compromised systems including associated development and test environments.
- Patched and applied application updates to third-party software to address all Critical, High and Medium vulnerabilities either as reported by CISA, or as identified by the Department's cybersecurity tools.
- Implemented an improved security architecture to include Web Application Firewalls and Next Generation Firewalls.

Following the response and recovery activities set out above, the Department is taking preemptive measures to protect against the adverse consequences of further incursions. These measures include:

- Continued implementation of enterprise-wide logging in accordance with OMB Memorandum M-21-31, *Improving the Federal Government's Investigative and Remediation Capabilities Related to Cybersecurity Incidents*, and CISA implementation guidance, to reach required maturity levels and to support ongoing incident detection and vulnerability management.
- Updating the DOT Vulnerability and Weakness Management Guide to document requirements to prohibit storing Personally Identifiable Information (PII) on public facing servers, enhance patch management processes, and clearly identify prioritization of weakness remediation.
- Reviewing the definition and assignment of roles and responsibilities in accordance with OMB, National Institute of Standards and Technology (NIST), and DOT policies to ensure that the appropriate officials have been identified for key roles (Authorizing Officials, Business Owner, System Owner, Information System Security Manager/Officer) for each information system in the DOT Federal Information Security Management Act (FISMA) system inventory, and that they receive appropriate training on their responsibilities.
- Establishing expanded IT governance, project management, and other IT support for the Office of the Secretary (OST) to more rapidly and better identify IT spending and activity, ensure application of Federal best practices, and to identify technology, cybersecurity and privacy issues in the ongoing care and maintenance of existing systems, and ensure "secure by design" principles in the development of new and modernized systems.
- Initiating an effort in collaboration with the Office of the Senior Procurement Executive (OSPE) to work with the DOT Operating Administrations (OAs) to assess IT contracts and procurement processes for weaknesses, and to develop recommendations and actions to improve both future acquisitions, and to remediate weaknesses at opportune and cost-effective acquisition boundaries.

Question 6.b. Please provide an update on the Department's progress in implementing its cyber-modernization plan.

ANSWER. The Department's information security focus continues to be modernizing its enterprise and modal IT to improve cybersecurity, performance, value, and other features. DOT uses specific appropriations and the Department's Cyber Security Initiative (CSI) Appropriation.

Cyber modernization accomplishments and areas of progress:

- Multi-Factor Authentication—The Department has achieved 99% implementation of multi-factor authentication (MFA) on agency networks where personnel log-in from a desktop or laptop for access to agency resources and systems, and as of June 2024, DOT has achieved 87%⁵ MFA compliance for agency traditional IT mission and operating/business systems.
- Endpoint Detection and Response (EDR)—The Department has achieved greater than 92% implementation of EDR across the entire DOT enterprise—servers, desktops/laptops, and mobile devices—and is closing remaining gaps.
- Enterprise Logging—The Department has fully achieved logging at Event Level 2 (EL2) maturity as defined by the Office of Management and Budget (OMB).
- Data Encryption—The Department has achieved 77% compliance for encrypting data at rest for FISMA reportable IT systems that contain sensitive data. The

⁵ Completion status historically has been based on internal tracking of DOT traditional Information Technology systems. Beginning in late CY2023, Executive Branch reporting requirements were revised to include not only Information Technology, but also Operational Technology (OT) i.e., control devices, industrial system components. As a consequence, more systems are encompassed within the reported figures than previously.

Department has also achieved 62% compliance for encrypting data in transit for those same systems.⁶

- **Skilled Workforce**—The Department recruited additional cyber-skilled personnel to staff the Department’s enterprise cybersecurity, privacy risk management, and records management programs, increasing from 17 full-time positions to 36.

Other relevant accomplishments over this past year include:

- (1) development of an agency penetration testing capability and team to assess DOT high-value asset and other information systems,
- (2) establishment of a vulnerability disclosure program capability with specific focus on assessment of DOT’s public-facing websites and applications, and
- (3) reorganization of the Office of Cybersecurity and Information Protection under the DOT CISO to apply additional resources to security engineering in support of “secure by design” principles and to enhance the capacity and capability of the team addressing cybersecurity findings from audits and overseeing the cybersecurity programs of DOT Operating Administrations (OAs).

As part of a new line of effort focusing on prioritizing and enabling mission and business system modernization, the Department secured approval from the Technology Modernization Fund (TMF) Board for the funding of two key Department priorities in the IT space. The TMF is a federal entity that provides funding to federal agencies for transformative technology modernization projects. The first proposal to the TMF Board provides for the modernization of a portfolio of systems within the Federal Aviation Administration (FAA). The other initiative will provide for modernization of a system within the Office of the General Counsel in the Office of the Secretary (OST) supporting the Office of Aviation Consumer Protection’s work, including aviation consumer complaint handling and processes. Both approvals resulted from close coordination by DOT with the TMF project management office.

The FAA project is currently underway and reporting progress to the TMF Board. The OST project was approved by the Board in September and began with a focus on requirements and development of a minimal viable product to be hosted on a DOT-approved low-code/no-code software- and platform-as-a-service solution in the cloud.

Question 6.c. Please provide a copy of the Department’s cyber-modernization plan.

ANSWER. Please see the attached material, prepared at the request of the Committee at a previous briefing convened by the Chairman.

Question 6.d. What concerns do you have about the Department’s vulnerabilities to cyber-attacks and what are you doing to prevent future attacks?

ANSWER. The Department’s concerns and priorities regarding vulnerability to cyber-attacks and the investments necessary to mature DOT’s cybersecurity capabilities, overcome historical underinvestment, and modernize information systems are reflected annually in the President’s budget request. Support for these requests is essential to continued maintenance and operation of capabilities already developed for the agency. These capabilities include, among others, Enterprise Continuous Diagnostic and Mitigation (CDM), Multi-factor Authentication and encryption solutions, and investments in people, processes and technology as part of DOT’s implementation of Zero Trust. Support for these requests also facilitate the agency’s engineering and operation of capabilities to respond to new threats, and modernization of OA mission and business systems.

The Department is constantly engaged in cybersecurity reviews and threat assessments as the risk environment evolves. We will continue to work to ensure that needed investment levels are reflected annually in the President’s budget request. We also welcome the opportunity to brief the Committee on plans developed and deployed in response to the evolving threat environment.

QUESTIONS TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. RICK LARSEN

Question 1/Invitation. Mr. Secretary, during the hearing, there were instances where you were not afforded an opportunity to respond to a question or address a Member’s comments. I welcome your written submission on any topic raised in the hearing for which you were not provided a full chance to respond, or for which you

⁶Like MFA statistics, *see supra*, encryption compliance figures have been impacted by recent revisions to reporting requirements to be inclusive of both IT and OT.

would like to supplement or correct the record on any statements made about the Department's work and performance.

Question 2. Mr. Secretary, during the hearing, a Member argued that near-misses at airports occur because of a shortage of air traffic controllers, and because "the FAA agency is more worried about hiring people based on DEI qualifications instead of being qualified to do the job." You stated in response "Not only is that false; that is an insult to the qualifications of every air traffic controller." Can you please provide information on the FAA's work to address controller staffing?

ANSWER. The FAA is actively engaged in increasing the number of Air Traffic Controller (ATC) trainees and subsequently increasing the total number of fully certified ATCs. The FAA has a robust hiring process in place to ensure that the best candidates are selected and placed at facilities with the greatest need. The FAA achieved its FY 2022 controller hiring goal of 1,020 and its FY 2023 controller hiring goal of 1,500. The FAA is committed to attaining the necessary Certified Professional Controller (CPC) staffing levels to meet current traffic demands, which have returned to, or in some markets have exceeded, pre-pandemic levels. The 2024 Controller Workforce Plan released in April 2024 includes facility-specific staffing targets from both the Staffing Standards process and the collaborative Resource Workgroup process.

Additionally, the FAA has taken the following actions to recruit, train, and hire the best candidates for ATC positions:

- Requires all Academy applicants to take the Air Traffic Skills Assessment (ATSA) implemented in 2016. Only those who score highly (well qualified) on the ATSA are selected for further consideration.
- Awarded a contract to complete a Job Task Analysis for the Air Traffic Controller position, which will establish new standards for the applicant assessment process.
- Developed a national prioritization staffing tool that ensures that new hires and transferring employees are matched with the facilities with the greatest staffing needs.
- Uses a two-pool national vacancy announcement for applicants with no previous air traffic control experience in accordance with the National Defense Authorization Act of 2019 (NDAA) which requires the agency to separate applicants into multiple selection pools, based upon educational background and veteran status. The FAA also hosts at least one national vacancy announcement annually for candidates possessing at least 52 weeks of certified air traffic control experience. These candidates are mainly prior military or Federal Contract Tower controllers.
- Collaborates regularly with the National Air Traffic Controllers Association to execute a centralized Employee Request for Reassignment process and National Release Policy that expedites the movement of controllers from healthy facilities to those with the greatest staffing need.
- Uses an Executive Steering Committee comprised of leaders from various stakeholder staff offices and lines of business outside of the Air Traffic Organization which meets monthly to resolve issues, establish policy, and monitor the hiring and placement process.

Question 3. Mr. Secretary, in June 2022, the Federal Aviation Administration (FAA) published a notice of proposed rulemaking on Airplane Fuel Efficiency Certification. The implementation of these fuel efficiency requirements would allow manufacturers to certificate their aircraft for fuel efficiency in the United States. It is an important step both in terms of the environment and the competitiveness of the US aerospace industry. What is the status of this rulemaking and when can we expect the rule (RIN 2120-AL54) to be finished?

ANSWER. The FAA signed the final rule on December 13, 2023. The final rule, along with associated incorporation by reference (IBR) document, were transmitted to the Office of the Federal Register (OFR). The FAA worked to address comments from the OFR on the IBR section of the rule and had to modify the document accordingly. The FAA received OFR approval on the IBR request on January 19, 2024. The final rule published on February 16, 2024.

QUESTIONS TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. ERIC A. "RICK" CRAWFORD

Question 1. In January 2023, an exemption application (Docket ID FMCSA–2023–0071) was submitted to FMCSA to allow future autonomous commercial motor vehicles to use a flashing light-based system to warn other drivers when they are stopped on the road or shoulder of the highway, instead of the currently required hand-placed triangles or flares.

Please provide the status of this pending application with FMCSA.

ANSWER. On March 3, 2023, FMCSA published a Federal Register notice, 88 FR 13489 (clarified, and comment period extended, Mar. 9, 2023, 88 FR 14665) announcing that it received an application from Waymo LLC, and Aurora Operations, Inc. (Waymo/Aurora) for a 5-year exemption from the warning device placement requirements of 49 CFR § 392.22(b), the utilization of a warning device that does not meet the steady-burning lamp requirement of 49 CFR § 393.25(e), and the utilization of a warning device for stopped vehicles that is not currently identified in 49 CFR § 393.95(f). The application requests that the exemption apply to motor carriers operating commercial motor vehicles (CMVs) that are being operated by a Level 4 automated driving system (ADS). Instead of the traditional warning devices placed around a stopped autonomous CMV, as required by current regulations, these motor carriers would be allowed to operate Level 4 CMVs with warning beacons mounted on the truck cab. The Secretary may grant an exemption only if it would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption, and the Agency must analyze the petitioner's technical proposal to determine whether such standard can be met. If granted, the exemption would allow ADS-equipped CMVs to operate with warning beacons mounted on the truck cab. FMCSA is currently reviewing and considering the public comments received in response to the Federal Register notice.

Question 2. The National Highway Traffic Safety Administration (NHTSA) was directed by Congress in House Report 116–106, which accompanied Public Law 116–94, to “study the safety effectiveness of rear-end collision avoidance systems that mitigate and prevent rear-end collisions.” Among the technologies NHTSA was required to study were “pulsating light systems in motor vehicles.” The report went on to direct that “NHTSA should initiate a rulemaking to revise Federal Motor Vehicle Safety Standard 108, establish parameters for the types of systems that should be permitted, and issue a minimum performance standard for those systems.”

To date, NHTSA has neither conducted the required study nor started any rulemaking process. Not only has NHTSA ignored a Congressional directive, but it's in the process of implementing its interpretation of the current Standard 108 rule regarding pulsating lights, which were specifically mentioned by Congress as needing to be further studied and potentially changed.

Please provide an explanation as to why NHTSA has not conducted the Congressionally-directed study or started a rulemaking process.

ANSWER. NHTSA has conducted extensive studies related to the safety and effectiveness of rear-end collision avoidance systems, as referenced in House Report 116–106, in connection with automatic emergency braking (AEB), a technology proven to be effective in reducing rear-end crashes. On the basis of this research, in June 2023, NHTSA issued a notice of proposed rulemaking that would require AEB on all light vehicles (passenger cars and light trucks) within three years of the proposal being adopted, 88 FR 38632 (June 13, 2023). NHTSA and the Federal Motor Carrier Safety Administration subsequently issued a joint notice of proposed rulemaking requiring AEB for heavy vehicles, 88 FR 43174 (July 6, 2023). On May 9, 2024, NHTSA finalized a new Federal Motor Vehicle Safety Standard (FMVSS) that requires AEB and pedestrian AEB systems on light vehicles. NHTSA projects that this new standard, FMVSS No. 127, will save at least 360 lives a year and prevent at least 24,000 injuries annually.

NHTSA is also undertaking a new study on pulsating light systems, as referenced in the House Report, and will consider rulemaking if the study indicates that data support safety improvements. Prior to the House Report, NHTSA conducted several studies regarding flashing lamps. NHTSA has also developed a research project plan to better understand where both potential benefits and potential disbenefits of non-steady burning stop lamps may exist.

QUESTIONS TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. BRIAN BABIN

Question 1. Is the Department of Transportation using any federal funds to provide free or subsidized transit benefits to illegal immigrants?

ANSWER. No, as current law prohibits the Federal Transit Administration (FTA) from regulating transit operations or fares. Additionally, eligible recipients of FTA funds do not include individual passengers.

Question 2. Are any States using Department of Transportation funding to provide free or subsidized transit benefits to illegal immigrants?

ANSWER. The FTA is prohibited by law from regulating transit operations or fares and does not subsidize fares for individual passengers.

Question 3. Is the Department of Transportation reimbursing States forced to pay to send illegal immigrants to other states or sanctuary cities? If so, what accounts are being used to fund these transfers? If not, why is the Department of Transportation not doing this?

ANSWER. The Department is not aware of any authority by statute or otherwise to provide reimbursement to states for such expenses under any of DOT's existing programs.

QUESTIONS TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. GARRET GRAVES

Question 1. Given the safety benefits of ADS-B, what additional measures can DOT and FAA take to incentivize further ADS-B equipage?

ANSWER. The FAA is exploring options including Traffic Awareness Beacon System (TABS) and portable ADS-B to provide additional low-cost options for pilots to improve their conspicuity to other users of the National Airspace System (NAS), while also ensuring those systems can reliably, accurately, and consistently provide position and identification information. While these systems do not meet the requirements for ADS-B Out in order to enter airspace in which ADS-B is required, the FAA recognizes the safety benefit that these novel devices may provide.

Question 2. Other technologies, such as TABS (or Traffic Awareness Beacon System), can also bring about enhanced safety through improved traffic awareness. These technologies provide important alternatives to ADS-B for gliders, balloons and aircraft without electrical systems. What measures could be taken to make these technologies more widely available in order to enhance the safety of the National Airspace System?

ANSWER. The FAA is committed to ensuring the safety of the National Airspace System (NAS) and ensuring safe separation between all users, including gliders, balloons, and aircraft without electrical systems, in addition to new users like unmanned aircraft systems (UAS). The FAA developed a standard order (TSO-C199) that allows manufacturers to certify equipment with the desired functionality. As with many technologies, market need drives investment. To date, the FAA is not aware of any TSO-C199 transmitter solution used on gliders and balloons. The FAA ADS-B Out mandate drove down prices and sizes for Mode S transponders in general aviation (GA) aircraft, such that the differentiation between a modern GA Mode S transponder and a TABS device is relatively insignificant. These factors have reduced demand for manufacturers to develop TABS avionics and are beyond the FAA's control, limiting the FAA's influence on TABS utilization.

QUESTIONS TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. DAVID ROUZER

Question 1. In August 2017, the Department of Homeland Security (DHS) issued an unclassified alert entitled "Da Jiang Innovations (DJI) Likely Providing U.S. Critical Infrastructure and Law Enforcement Data to Chinese Government" that concludes "with moderate confidence that Chinese-based company DJI Science and Technology is providing U.S. critical infrastructure and law enforcement data to the Chinese government." In December 2020, the Department of Commerce then added

DJI to the Entities List for activities contrary to U.S. foreign policy interests and enabling wide-scale human rights abuses within China, which restricts U.S. critical components from being sold to DJI. In July 2021, the Department of Defense issued a public statement that “systems produced by Da Jiang Innovations (DJI) pose potential threats to national security” and followed up by naming DJI as a Chinese military company in its 1260H list released in October 2022. Further, the Department of Treasury declared DJI as a Chinese Military-Industrial Complex company in December 2021.

In light of the clear and compelling information that China is actively seeking to conduct surveillance of critical infrastructure in the United States, as confirmed by the Department of Homeland Security, the Department of Commerce, the Department of Defense and the Department of the Treasury, can you please provide answers to the following:

Question 1.a. How many Chinese drones are owned or leased by the Department of Transportation and its sub-agencies? Please identify the number of drones and the sub-agency or office that owns or leases such drones.

ANSWER. The Department’s Office of Aviation and International Affairs is working with other offices in the Office of the Secretary and the DOT Operating Administrations to conduct an assessment on the number of Chinese-made drones owned or leased by DOT. For example, the Volpe National Transportation Systems Center and the Transportation Safety Institute together own seven Chinese-made drones for research and training purposes, all purchased before issuance of E.O. 13981, Protecting the United States From Certain Unmanned Aircraft Systems (January 22, 2021). Of these, only one continues to be in use, and it is not connected to any federal government information systems.

Question 1.b. How many Chinese drones are operated under contract for services requested by the Department of Transportation or its sub-agencies? Please identify the number of drones and the sub-agency or office that contracted for operations performed by such drones.

ANSWER. The Department’s Office of Aviation and International Affairs is working with other offices in the Office of the Secretary and the DOT Operating Administrations to conduct an assessment on the number of Chinese-made drones operating under contract by DOT.

Question 1.c. How many Chinese drones have been purchased, leased or contracted for by entities that received federal taxpayer funding from the Department of Transportation or its sub-agencies? Please identify the number of drones, the sub-agency or office and the specific grant program that funded the purchase, lease or contract performed by such drones.

ANSWER. Many of the Department’s partners at all levels of government, their contractors and subcontractors, universities and other research partners, use drones for bridge inspections, accident assessments, surveying of roadways and other public infrastructure, risk identification, disaster response, and many other uses, to save time and money, and increase safety and efficiency. However, we do not have information on the type of drones they use or whether those drones were purchased with Federal funds, as we generally do not approve project costs at that level of detail. The FAA did, however, identify an instance where it provided an organization funding that was used to procure 2500 drone kits to middle and high school students through the Know Before You Fly program as a STEM outreach effort in 2023. Those kits included Chinese made components.

QUESTIONS TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. MIKE BOST

Question 1. The Motorcyclist Advisory Committee (MAC) was reauthorized in Section 2411 of the Infrastructure Investment and Jobs Act. That section states that the MAC shall be seated within 90 days of passage of the act. We are nearly 2 years later in the MAC still has not been seated. When do you intend to seat the MAC?

ANSWER. The Federal Register Notice of establishment of the Motorcyclist Advisory Council was published on September 25, 2023, and the Charter was posted on the FACA GSA database on September 19, 2023. The time period for solicitation of applications for membership closed December 15, 2023, and DOT is considering the applications received.

Question 2. One of the challenges I’ve heard about from small business truckers, as well as from others in the transportation industry, is the rising level of fraud

in the freight marketplace. What steps is DOT taking to address ongoing criminal activity related to fraud that is hurting small trucking businesses? And do you think your department has the resources necessary to combat this? From what I have been hearing, these scams are growing both in number and in sophistication.

ANSWER. Freight fraud and freight theft are issues that FMCSA is acutely aware of, and the Agency is taking action pursuant to its existing authority and resources. FMCSA has been investigating “double brokering” complaints and will be citing entities for unlawful brokerage activities as appropriate. As part of its anti-fraud efforts, FMCSA is actively engaged in information technology modifications to identify fraudulent brokers and motor carriers during the FMCSA operating authority registration process.

FMCSA also issued guidance in June 2023, as required by the Bipartisan Infrastructure Law (BIL), clarifying the definitions of “broker” and “bona fide agent”, and examining the role of dispatch services in the transportation industry. 88 FR 39368 (June 16, 2023). This guidance may help deter entities from acting as brokers without the required authority. In November 2023, FMCSA issued a final rule, titled “Broker and Freight Forwarder Financial Responsibility,” amending its regulations on financial security requirements for brokers of property and freight forwarders. 88 FR 78656 (Nov. 16, 2023). Among other measures, this rule defines the type of assets considered to be “readily available” for broker payment of claims made by motor carriers and implements a new process for immediately suspending a broker’s operating authority for non-payment of claims. An intended effect of this rule is to prevent brokers from accruing numerous claims against their financial security, which should provide protection for motor carriers and increase the amount of compensation motor carriers receive for legitimate claims.

Additionally, FMCSA has taken action in the area of household goods (HHG) consumer protection through its “Protect Your Move” initiatives, designed to target HHG motor carriers and brokers that engage in deceptive practices, including theft of individual property. In 2023, we pursued nearly 100 separate enforcement actions against motor carriers and brokers involved in HHG fraud.

FMCSA is required by DOT Order (DOT 8000.8A) to refer suspected criminality to the Department’s Office of Inspector General for further investigation and action. While the Agency takes fraud in the freight marketplace seriously FMCSA must balance its efforts regarding fraud in the freight marketplace with Congress’s mandate that FMCSA focus on motor carrier safety as its highest priority. FMCSA is pursuing collaborative efforts with other Federal agencies that have authority and investigatory resources to pursue freight theft and fraud cases where possible.

QUESTIONS TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. DOUG LAMALFA

Question 1. California Air Resources Board’s In-Use Locomotive Regulation will require railroads to phase out locomotives over 23 years old in 2030 and in 2035, require all new trains to be zero emission. This rule will be especially impactful to the short line freight industry which is typically small businesses who cannot afford investments in new equipment. CARB itself recognized the impact on the short line freight industry stating that some short line railroads would be eliminated by the costs.

At the Federal level, are you concerned about the impact the CARB In-Use Locomotive Regulation will have on the short line freight industry and the nation’s rail network and supply chain, in general?

ANSWER. The mission of the Federal Railroad Administration (FRA) is to enable the safe, reliable, and efficient movement of people and goods for a strong America, now and in the future.

Specifically, FRA is supporting the short line industry in efforts to reduce emissions through its Locomotive Replacement Initiative which utilizes Consolidated Rail Infrastructure and Safety Improvements (CRISI) grant funds for the purchase of cleaner locomotives, including zero-emission battery-electric switcher locomotives.

Additionally, FRA supports industry through research and development of clean energy solutions. Most recently, FRA’s Offices of Railroad Safety, and Research, Data and Innovation hosted an international workshop on rail decarbonization [<https://railroads.dot.gov/rail-network-development/environment/rail-getting-track-decarbonization>] from May 15–18, 2023, in Denver, CO. The workshop convened in-person discussions between U.S. and international rail and clean energy experts on rail decarbonization technologies and strategies.

Question 2. Currently, we do NOT have zero emissions freight locomotives operating in the United States. They are only in the testing phase. Short line associations have sued CARB accusing them of compelling the industry to use technology that has not been sufficiently tested in prototypes nor is commercially available.

Are you concerned about the impact to our national security and supply chain if freight locomotives cannot comply with these rules and thus not transport freight from our ports in Oakland or Long Beach to the rest of the country?

ANSWER. See response above.

Question 3. NHTSA recently weighed in on the 2020 Right to Repair law in Massachusetts. The agency objected to the Commonwealth Attorney General enforcing the law, citing cybersecurity concerns, before announcing that it supports implementation of the law. In short, the agency's guidance has been inconsistent.

Question 3.a. Do you believe that vehicle owners have the right to repair and modify their cars, trucks, and motorcycles?

ANSWER. The Department of Transportation continues to have unwavering support for consumers' right to choose where to take their vehicles for service and repair. Fostering competition is a bedrock principle of the Administration, and that includes the automotive repair sector. Therefore, vehicle owners should have the right to repair and modify their vehicles as they choose provided that the work does not compromise safety. NHTSA has been consistent in stating that consumer choice should be advanced in a manner that does not pose an unreasonable risk to motor vehicle safety.

Question 3.b. What does right to repair mean to you?

ANSWER. A consumer's right to repair is their ability to choose where to have their vehicles serviced and repaired—whether that repair is completed by a dealership, an independent repair facility, or through a do-it-yourself repair without compromising motor vehicle safety.

QUESTION TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. BRUCE WESTERMAN

Question 1. As a side effect of changes in security protocols adopted after the September 11 attacks, life-saving organs that had been transported in the cabin of commercial aircraft were redesignated as cargo. Commercial airlines' cargo systems were not designed to move life-saving organs. Although organs are recovered and transplanted at all hours of the day, every day of the week, cargo operations have limited hours and not all airlines transport cargo. For example, one-third of the airlines servicing the Little Rock airport do not transport cargo, which limits the options for an out-of-state organ procurement organization trying to get a kidney to a patient waiting for a transplant at Arkansas Children's Hospital or UAMS Medical Center.

Kidneys are most often transported by commercial air because they can be viable outside of the body for up to 36 hours. The number of kidney transplants performed has increased significantly—14,279 kidney transplants were performed in 2001 compared to 25,500 in 2022. Advances in organ preservation technologies allow organs to travel further to reach the sickest patients in need of a transplant. As a result, the volume of organs being transported by commercial air has increased. Now is time to set forth a process by which to improve the transportation of organs with the goal of minimizing the burden on air carriers and reducing the risk for delayed, lost, or damaged organs.

Please describe the barriers that exist for the Department of Transportation (DOT) and Federal Aviation Administration (FAA) that prevent collaboration with the Department of Homeland Security (DHS) and the Transportation Security Administration (TSA) and stakeholders to jointly establish policies that would enable life-saving organs to be transported in the cabin of a passenger airplane as they were prior to the September 11 attacks.

ANSWER. The FAA has not identified any barriers that would inhibit our continued ability to support our partners at the Department of Homeland Security and TSA as they work with the Health Resources & Services Administration to find solutions to effectively and efficiently transport life-saving organs by airplane.

QUESTIONS TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. PETE STAUBER

Question 1. As you may know, NHTSA was directed by House Report 116–106 for the Departments of Transportation, and Housing and Urban Development, and Related Agencies Appropriations Bill for FY 2020 to study the effectiveness of rear-end collision avoidance systems that were the subject of a July 28, 2023 letter from NHTSA to Williams & Lake. The report language further directed NHTSA to undertake a rulemaking after completing necessary research. Despite this, NHTSA has yet to undertake the directed review and the consequent rulemaking.

Question 1.a. Are you aware of any research that indicates the rear-end collision avoidance systems sold by Williams & Lake improve safety and reduce the number and severity of rear-end collisions? Can you share that research with the committee? Have you asked Williams & Lake if they are in possession of such research?

ANSWER. On October 25, 2023, Williams & Lake and another manufacturer filed a lawsuit against DOT and NHTSA in the U.S. District Court for the Western District of Arkansas. In light of the pending litigation, the Department cannot comment further about its interactions with Williams & Lake.

Question 1.b. In the absence of the Congressionally-directed review, why did the agency send the enforcement letter to Williams & Lake (Pulse) in late July? Was the agency uncertain as to congressional intent?

ANSWER. On October 25, 2023, Williams & Lake and another manufacturer filed a lawsuit against DOT and NHTSA in the U.S. District Court for the Western District of Arkansas. In light of the pending litigation, the Department cannot comment further about its interactions with Williams & Lake.

Question 1.c. Will you commit to us that NHTSA will complete the review as directed in 2019 prior to pursuing additional actions—enforcement or otherwise—associated with the July 28 letter to Williams & Lake?

ANSWER. On October 25, 2023, Williams & Lake and another manufacturer filed a lawsuit against DOT and NHTSA in the U.S. District Court for the Western District of Arkansas. In light of the pending litigation, the Department stipulated to temporarily hold in abeyance the planned actions until a court hearing and ruling on a motion for a preliminary injunction.

QUESTIONS TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. JEFFERSON VAN DREW

Question 1. Are there any records of communication between the Department of Transportation and the Department of Homeland Security regarding the August 2023 proposal to shelter immigrants at the Atlantic City Airport?

ANSWER. At this time, the FAA has been unable to find any responsive records.

Question 2. If yes, do such communications include DoT offering consent for DHS to use the federal FAA campus on which the airport is located, or include any evaluation by DoT of the practicality of the DHS Atlantic City airport sheltering proposal?

ANSWER. The housing of migrants on a federally obligated airport would require FAA approval. No such approval was requested, nor did FAA provide approval for such a request.

QUESTIONS TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. TROY E. NEHLS

Question 1. On August 29 the FAA issued a Notice of Intent to conduct a rulemaking that would limit the types of air carriers that may operate public charters, for unspecified safety reasons. Mr. Secretary, what is the safety concern that prompted this action? Can you provide the most recent data the Department utilized for this Notice of Intent?

ANSWER. The FAA intends to initiate a rulemaking to address public charter operations that, in light of recent high-volume operations, appear to be offered to the public as essentially indistinguishable from flights conducted by air carriers as sup-

plemental or domestic operations under 14 CFR part 121 [<https://www.ecfr.gov/current/title-14/part-121>]. Specifically, the size, scope, frequency, and complexity of charter operations conducted as “on-demand” operations under the part 135 operating rules has grown significantly over the past 10 years—increasing by over 3,300 percent. While the FAA has adjusted its oversight of these increased operations, the NOI announced that FAA is considering whether a regulatory change may be appropriate to ensure the management of the level of safety necessary for those operations that are indistinguishable from part 121 operations. To better inform a future rulemaking, the NOI specifically solicited information regarding the effects of any removal of the public charter exception (including any effect on service to small and underserved communities); potential impacts on competition, innovation, and emerging technologies; alternative regulatory structures that could achieve FAA’s safety goals; and the reasonable period of time needed to allow affected operators to transition their operations to the applicable operating parts of 14 CFR.

The FAA evaluated approximately 60,000 public comments received in response to the NOI and on June 17, 2024, announced next steps. The FAA intends to initiate a rulemaking to amend part 110 definitions of “scheduled,” “on demand,” and “supplemental” operations. If finalized, the effect of this proposed rule change would be that public charters will be subject to operating rules based on the same safety parameters as other non-public charter operations.

Additionally, the FAA will convene a Safety Risk Management Panel (SRMP) to assess the feasibility of a new operating authority for scheduled part 135 operations in 10–30 seat aircraft. The panel will dig into the data as we work to address the risks that exist today as well as think about the future of the national airspace system.

Question 2. BNSF Railway, with support from the Brotherhood of Railway Carmen (BRC), has petitioned the FRA to approve expansion of its current Brake Health Effectiveness (BHE) waiver, which allows for the use of wayside technology to help determine the health of train braking systems. Several years’ worth of collected safety data shows that BHE is over 10 times more effective than a walking visual inspection (at an intermediate inspection point) in identifying brake defects on trains, which are then remediated by professional carmen represented by the Brotherhood of Railway Carmen (BRC). The Joint Waiver Test Committee, which is comprised of railroad labor and management representatives along with FRA professional staff, voted unanimously on June 6 of this year to approve expanded use of this technology to monitor the brake health of BNSF coal trains. Given rail management and labor support along with the demonstrated and compelling safety improvements from utilization of BHE, what is the anticipated timeline for Federal Railroad Administration (FRA) approval of the pending waiver expansion petition, which we understand has already been reviewed by the FRA’s Safety Board?

ANSWER. The FRA has broad discretionary authority to waive the requirement to comply with any rule, regulation, or order upon finding that doing so is “in the public interest and consistent with railroad safety.” 49 U.S.C. § 20103(d). FRA received a petition from BNSF to expand its BHE waiver. FRA considers every request for waiver on its own merits and strives to act on waiver petitions in as timely a manner as possible. FRA investigates and analyzes the facts and circumstances of each petition to determine whether granting the requested relief is justified. In doing so, FRA staff conduct a preliminary review of an incoming petition to determine whether it meets the minimum regulatory requirements and is complete. If a petition meets these requirements, FRA will provide a public comment period. FRA will also conduct an appropriate technical analysis and may conduct a field investigation. Only after consideration of all relevant information and data, including any public comments received, may FRA issue a decision on the incoming request, explaining the reasons for granting or denying the request. FRA will make a determination on this waiver petition once review is complete.

QUESTIONS TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. LANCE GOODEN

Question 1. Secretary Buttigieg, please give an estimate of how much the government plans to spend on high-speed rail. Will new taxes be paying for these high-speed rail projects?

ANSWER. Several programs funded under the Bipartisan Infrastructure Law (BIL) could support high-speed rail projects. Congress has not enacted legislation providing dedicated tax revenue for high-speed rail nor grant programs dedicated only

to high-speed rail. FRA grant programs that may fund high-speed rail are competitive grants under which applicants compete against various types of rail projects.

Recent announcements of funding that benefit high-speed rail projects include \$49 million from the FY21 and \$20 million from the FY23 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) program for the California High Speed Rail Authority (CHSRA), approximately \$3 billion each to Nevada Department of Transportation for the Brightline West Project and to CHSRA under the FY22–23 Federal-State Partnership for Intercity Passenger Rail Program, and up to \$201.95 million from the FY22 Consolidated Rail Infrastructure and Safety Improvements (CRISI) Program for CHSRA. CRISI funds for CHSRA will complete grade separations of roads intersecting with parallel existing freight and new high-speed rail lines. In June of 2023, \$25 million was provided from the 2023 RAISE program for the San Bernadino County Transportation Authority for the stations to serve the Brightline West high-speed rail. Additionally, under the FY22 Corridor Identification and Development Program, FRA selected several new high-speed rail corridors to receive up to \$500,000 for early corridor planning efforts: Amtrak Texas High-Speed Rail Corridor; Brightline West High-Speed Corridor; California High-Speed Rail Phase 1 Corridor; Cascadia High-Speed Ground Transportation; Charlotte, North Carolina, to Atlanta, Georgia, Corridor; Fort Worth to Houston High-Speed Rail Corridor; and High Desert Intercity High-Speed Rail Corridor.

Question 2.a. Secretary Buttigieg, why did NHTSA not conduct this study before the Office of Vehicle Safety and Compliance (OVSC) decided to inform hundreds of dealerships that these safety devices were not in compliance?

ANSWER. Pulsing brake lights are not permitted under the Federal Motor Vehicle Safety Standards (FMVSS), which require brake lights to be steady burning. NHTSA has issued interpretations dating back over 40 years making clear that pulsing lights are not steady burning and therefore not permitted under the FMVSS. Automakers cannot and do not produce new vehicles with pulsing brake lights. NHTSA is concerned that a small number of companies are nevertheless selling aftermarket products to alter those required brake lights in a way that takes them out of compliance with the FMVSS. These aftermarket products are not directly regulated by NHTSA, and we are concerned that other stakeholders—including some states that have allowed pulsing brake lights on the road and some dealerships to whom these products are being marketed—are being misled or are unaware of the federal requirement of steady burning brake lights. That federal requirement helps ensure safety, including by providing a consistent, well-understood signal to other road users when a vehicle is braking. Because of the federal requirement, dealerships installing these aftermarket products are at risk of violating the law, potentially subjecting them to civil penalties. NHTSA expects entities to comply with the requirements of the FMVSS.

Question 2.b. In your response to a letter my colleagues and I sent on September 15, 2023, your agency said NHTSA “is working to conduct the research specified in House of Representatives Report 116–106.”¹ When can Congress finally expect NHTSA to publish this study?

ANSWER. The Department expects the new pulsing lights study to be published as soon as practicable after the research is completed, which may take several years. Effective research programs often take years to complete to ensure that they are designed and implemented to ensure reliable data and meaningful findings. This new study is in addition to our ongoing program of research related to flashing and pulsing lights. Previous research in this area has examined the potential to capture visual attention with pulsating or flashing lamps. NHTSA’s ongoing research, which has included literature reviews and coordination with other parts of the Department and other government agencies, informed its plan for a new program of study. This study will explore potential benefits and consequences of pulsing lights, including distraction and safety impacts on advanced technologies and vehicle automation.

¹ Acting Administrator Ann Carlson, Response to Rep. Gooden’s September 15, 2023, Letter on Pulsating Brake Lights, U.S. Department of Transportation, National Highway Traffic Safety Administration, September 22, 2023.

QUESTIONS TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. TRACEY MANN

Question 1. Mr. Secretary, the Department of Transportation has failed repeatedly to comply with Congressionally set deadlines. One of these delayed decision-makings has had a significant impact on communities like Hays, Dodge City, Garden City, Liberal, and Salina in the Big First district, as well as several rural communities across America. SkyWest Airlines waited months for a decision regarding its safety application for SkyWest Charter, to operate flights in small communities, and is still waiting on a decision regarding its economic application. Mr. Secretary, what is the timeline for this decision? Are you able to commit to that timeline in writing in 2 weeks?

ANSWER. This application is under active consideration, and the merits of the application cannot be commented on as it is currently under review. The importance of the application is recognized. It entails both economic and safety authorities that must be considered, and it requires a very thorough and conservative look. The Department is not in a position at this time to provide an update regarding the date of the disposition but can affirm that the matter is under active consideration.

QUESTIONS TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. RUDY YAKYM III

Question 1. The drone industry currently lacks an established regulatory structure setting standards for beyond visual line of sight (BVLOS) operations, creating a great deal of uncertainty that is impeding the growth of the drone industry.

Our Committee heard testimony from American drone companies safely completing hundreds of thousands of deliveries—in other countries. They're forced abroad because these other countries have regulatory structures in place to allow for safe and routine beyond visual line of sight (BVLOS) drone operations. The FAA, meanwhile, has moved all too slowly in publishing a notice of proposed rulemaking on BVLOS operations.

When can we expect a proposed and final BVLOS rule from the FAA?

ANSWER. As noted in the Fall Unified Agenda, the FAA anticipates publication of the Notice of Public Rulemaking (NPRM) in August 2024. After publication of the NPRM, the FAA will devote the necessary resources to publish the final rule as quickly as possible.

Question 2. The process to designate FAA Recognized Flying Areas (FRIAs) has been inconsistent and resulted in the denial of sites that have been operating, without incident, for decades. Sites have been denied that have even gone through the FAA's Safety Risk Management process and were approved to fly at altitudes above 400 feet.

Question 2.a. Will you provide my office the policies, performed safety analysis, and data used to justify a denial of FRIA status to existing UAS flying sites?

ANSWER. The regulations requiring the remote identification of unmanned aircraft mandate that the FAA assess FAA Recognized Flying Area (FRIA) applications against the criteria in 14 CFR part 89. The FAA will consider the proximity of airports and heliports to a proposed FRIA location. The FAA must be able to identify UAS operating over and near airports and heliports to ensure the safe and efficient use of the airspace in areas where aircraft are taking off and landing. When aircraft are operating close to the ground, the potential for interactions between unmanned aircraft (UA) and other aircraft increases, as does the severity of potential consequences from failing to comply with applicable operating rules. The FAA will deny a request to establish a FRIA if the FAA determines that operations of UA without remote identification in the requested area may pose an unacceptable risk to the safe and efficient use of the airspace near an airport or heliport.

Question 2.b. Will you also explain how FRIA status promotes the safe and efficient use of airspace by other aircraft and the safety and security of persons or property on the ground?

ANSWER. FRIAs are approved or denied after the FAA evaluates the proposed FRIA location in accordance with the applicable regulatory standards. The FAA considers factors such as how operations of UA without Remote ID at the proposed FRIA location could affect the safe and efficient use of airspace by other aircraft and the safety and security of persons or property on the ground. If a FRIA is approved,

the FAA has determined that the safe and efficient use of airspace by other aircraft and the safety and security of persons or property on the ground are not adversely affected by operations of UA without Remote Identification at that FRIA location.

The purpose of a FRIA is to provide an area in which a person may operate a UA without remote identification, subject to certain conditions. In assessing whether the establishment of a FRIA would affect the safe and efficient use of airspace by other aircraft, the FAA will consider the proximity of airports and heliports to a proposed FRIA location. The FAA needs to be able to identify UA operating over and near airports and heliports in order to ensure the safe and efficient use of the airspace in areas where aircraft are taking off and landing. When aircraft are operating close to the ground, the potential for interactions between UA and other aircraft increases, as does the severity of potential consequences from failing to comply with applicable operating rules. The FAA also considers the proximity of a proposed FRIA to areas of known aviation-related activity such as parachute jump areas, hang glider launch areas, and hot air balloon launch areas.

Question 3. Mr. Secretary, there have been numerous public reports about the severe shortage of air traffic controllers. As you know, there are 1,200 fewer fully certified controllers today than ten years ago, and you have said publicly that the FAA needs to have about 3,000 additional controllers to return to healthy staffing levels. How can you reassure our Committee that DOT and FAA will prioritize this issue, conduct maximum hiring of new controllers, and continue to request adequate resources from Congress to address this problem?

ANSWER. Ensuring that FAA returns to healthy staffing levels is among my top priorities. For FY 2024, the FAA plans to hire and train 1,800 controllers, an increase of 300 above the levels for FY 2023. The President's FY 2025 budget request includes funding for the hiring and training of an additional 2,000 controllers. The FAA Academy's FY 2024 training schedule will support the FAA's overall goal to hire 1,800 controllers. The budget request will allow the FAA to continue progress toward attaining the necessary Certified Professional Controller staffing levels to meet current traffic demands, which have returned to, or in some markets exceeded, pre-pandemic levels. The 2024 Controller Workforce Plan released in April includes facility-specific staffing targets from both the Staffing Standards process and the Collaborative Resource Workgroup process.

Congress can help us ensure that we return quickly to healthy controller staffing levels through your continued support during the annual budget.

Question 4. Earlier this year, the California Air Resources Board (CARB) put forward a new rule that would require railroads to phase out older locomotives and retrofit and convert them to newer locomotives over the next few years. It appears that this rule may cause problems for our nation's supply chain.

Short-line freight railroads have raised grave concerns about the enormous cost to comply with this mandate. In fact, CARB acknowledged in its May 26, 2022 Standardized Regulatory Impact Assessment that some short-line railroads "would be eliminated" due to the cost to comply.

Question 4.a. Given your role as a leader on the White House Supply Chain Disruptions Task Force, are you concerned about the impact that this rule will have on supply chains?

ANSWER. The mission of the Federal Railroad Administration (FRA) is to enable the safe, reliable, and efficient movement of people and goods for a strong America, now and in the future.

Specifically, FRA is supporting the short line industry in efforts to reduce emissions through its Locomotive Replacement Initiative which utilizes Consolidated Rail Infrastructure and Safety Improvements (CRISI) grant funds for the purchase of cleaner locomotives, including zero-emission battery-electric switcher locomotives.

Additionally, FRA supports industry through research and development of clean energy solutions. Most recently, FRA's Offices of Railroad Safety, and Research, Data and Innovation hosted an international workshop on rail decarbonization [<https://railroads.dot.gov/rail-network-development/environment/rail-getting-track-decarbonization>] from May 15–18, 2023, in Denver, CO. The workshop convened in-person discussions between U.S. and international rail and clean energy experts on rail decarbonization technologies and strategies.

Question 4.b. Given your role as the Secretary of Transportation, are you concerned about the impact this rule could have on the short-line freight industry?

ANSWER. FRA is always concerned about the effect state regulations have on industry. As stated above, FRA is supporting the short line industry in efforts to reduce emissions through its Locomotive Replacement Initiative and through research and development efforts.

QUESTIONS TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. ELEANOR HOLMES NORTON

Question 1. Mr. Secretary, this committee has long supported the Recreational Trails Program (RTP). The RTP is premised on funding by non-highway recreational fuel taxes being used in support of the nation's trails. In July 2021, the Department of Transportation submitted a report to Congress that indicated:

“... for the past 3 years for which data are available, the estimated amount of taxes on non-highway use of recreational vehicles is \$843,422,069 (average of \$281,140,690/year). The annual funding amount provided by the Fixing America's Surface Transportation Act for the Recreational Trails program is approximately \$84 million.”

Would you support reducing this significant gap between what is owed to RTP and what is actually funded each year?

ANSWER. The amount of funds set aside for each state for the Recreational Trails Program (RTP) is determined by statute. The Bipartisan Infrastructure Law (BIL) continued the RTP as a set-aside under the Transportation Alternatives (TA) Set-Aside. Per 23 U.S.C. §§ 133(h)(5) and 133(h)(6)(A), an amount equal to the State's Fiscal Year 2009 RTP apportionment is set aside from the state's TA Set-Aside funds for recreational trails projects unless the state opts out. Recreational trails provide safe, accessible, equitable, and comfortable connections for transportation and recreation networks and are part of a resilient transportation system. The RTP supports various trail uses, encourages trail user cooperation, and drives economic development in both urban and rural communities.

In addition to RTP, several formula and discretionary programs are available for trail and related projects. FHWA published a comprehensive Pedestrian and Bicycle Funding Opportunities [https://www.fhwa.dot.gov/environment/bicycle_pedestrian/funding/funding_opportunities.pdf] table to highlight potential eligibility for pedestrian and bicycle activities and projects under DOT surface transportation funding programs.

Question 2. Mr. Secretary, the Recreational Trails Program continues to fund and maintain trails throughout the country, which is consistent with the Administration's commitment to outdoor recreation. Please describe your commitment to this important program and how we can grow it.

ANSWER. As part of the America the Beautiful initiative, DOT recognizes the Recreational Trails Program (RTP) as supporting states in developing, maintaining, and improving access to park and recreation facilities for both nonmotorized and motorized recreational trail users. The Department is committed to outdoor recreation efforts, and FHWA has published numerous guidance documents and other publications that are available to stakeholders on its website on a wide range of topics, such as trails and resilience and electric bicycles. FHWA is coordinating with the U.S. Forest Service to provide Forest Service publications and videos to the public and is working with the American Association of State Highway and Transportation Officials (AASHTO) to develop training on transportation and trail networks.

QUESTIONS TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. JOHN GARAMENDI

Question 1. Mr. Secretary, I am pleased to see your Department implementing the President's policy and mine on “Make It In America.” On March 17, 2023, the Federal Highway Administration announced public comment on the 1983 waiver of “Buy America” requirements for manufactured products used in federally funded road projects. I and other members of the Congressional Labor Caucus submitted a comment letter asking that the waiver be repealed in full so that taxpayer dollars spent on roadway infrastructure support American manufacturing.

Mr. Secretary, when can we expect the Federal Highway Administration to rescind that blanket 1983 waiver of Buy America for manufactured products used in federally funded roadway projects?

ANSWER. FHWA published its review of its existing general applicability waivers via a request for comment in the Federal Register on March 17, 2023, soliciting comments on FHWA's long-standing general waiver for manufactured products, with the comment period ending May 22, 2023. In September 2023, DOT announced its

plans to publish a Notice of Proposed Rulemaking (NPRM) on the application of Buy America to manufactured products. This rulemaking would consider withdrawing the 1983 waiver of Buy America requirements for manufactured products while also proposing standards and requirements to determine the extent to which a manufactured product must comply with Buy America. FHWA published an NPRM on March 12, 2024 proposing to discontinue its general waiver of Buy America requirements for manufactured products. The comment period closed on May 13, 2024, and FHWA is currently reviewing comments.

Question 2. Mr. Secretary, Section 24111 of the Infrastructure Investment and Jobs Act reauthorized the Motorcyclist Advisory Council through November 15, 2027. The 2021 law also directed USDOT to reestablish the Advisory Council within 90 days of enactment.

Can you please confirm when USDOT expects to re-constitute and solicit appointments to the Motorcyclist Advisory Council?

ANSWER. The Federal Register Notice of establishment of the Motorcyclist Advisory Council was published on September 25, 2023, and the Charter was posted on the FACA GSA database on September 19, 2023. The time period for submitting applications for membership closed December 15, 2023, and DOT is currently reviewing the applications received.

QUESTIONS TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. JULIA BROWNLEY

Question 1.a. Do you agree that DOT should ensure federal grant funding is not being used on Chinese military technology that creates a national security surveillance risk, such as drones, LIDAR, telecommunications hardware, and cameras? What safeguards does the Department have in place to ensure American tax dollars do not go to Chinese military fusion companies?

ANSWER. The Department does not have a separate system or protocol to address this important issue but relies on systematically implementing the appropriate laws and Executive Orders, and their implementing guidance, as issued by the Federal Acquisition Council, and through the many agencies with responsibility for national and homeland security, and for trade matters. In execution of contracts, grants, and formula funding, the Department ensures that all requirements, such as Build America, Buy America Act (BABA) requirements, flow down to those executing projects.

Specifically, the Department agrees that federal grant funding should not be used on Chinese military technology that creates a national security surveillance risk. However, we acknowledge that the FAA needs to continue to utilize Chinese-made drones when testing/evaluating UAS detection/mitigation technologies/systems and in UAS Airport Applications research. For each UAS research project, the FAA ensures that contractors we support follow Department of Homeland Security (DHS) guidance on the use of foreign manufactured drones, and that operations are conducted in a manner that will not pose a threat to national security or the national airspace.

Question 1.b. Further, I understand that the Federal Aviation Administration (FAA) still uses drones made by Chinese companies in its work, and may permit third party contractors to fly DJI drones to inspect the FAA's national infrastructure. Can you commit to reviewing this matter and ensuring that federal taxpayer dollars are not used to fund the operation of Chinese drone technology?

ANSWER. The Department met the requirements of E.O. 13981, Protecting the United States From Certain Unmanned Aircraft Systems (January 22, 2021), on schedule, and completed implementation steps. The Department remains committed to implementing the procurement, contracting, and grantmaking guidance provided by the Federal Acquisition Regulation, Executive Orders, various import and trade restrictions, Buy American requirements, and similar directives. I commit to reviewing this important matter with the FAA.

Question 2. The National Electric Vehicle Infrastructure (NEVI) Program minimum standards required that all EV chargers meet mandatory interoperability, network portability, and smart charge management capability standards.

While these requirements do not apply to the Federal Transit Administration's (FTA) Low- and No-Emission Vehicle Program, as it is not a title 23 funded program, the need for interoperability and smart charge management capabilities is equally critical to transit charging.

Question 2.a. Will the Department use its existing authority under the next round of Low No to require all EV chargers to conform to interoperability standards as is required in the NEVI Program?

ANSWER. In general, transit vehicle manufacturers already are using a common standard for vehicle charging infrastructure. FTA will consider whether it is appropriate to include NEVI standards as a consideration in future Low-No notices of funding opportunity (NOFOs).

Question 2.b. What steps is the Department and the Federal Transit Administration taking to future proof these critical investments made in communities across the country?

ANSWER. For zero-emission vehicles funded under FTA's Buses and Bus Facilities Program or the Low or No Emission Vehicle Program, the law requires applicants to develop a fleet transition plan examining elements including: strategies for how the applicant intends to use the current request for resources and future acquisition; addressing the availability of current and future resources to meet costs for the transition and implementation; consideration of policy and legislation impacting relevant technologies; evaluation of existing and future facilities and their relationship to the transition; a description of the partnership with the utility or alternative fuel provider; and an examination of the impact of the transition on the applicant's current workforce. These plans help ensure the future proofing of the investments provided by these programs. In addition, FTA is providing significant resources through the Transit Workforce Center to assist agencies in the development and examination of workforce needs included in such plans.

QUESTIONS TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. DONALD M. PAYNE, JR.

Question 1. When it comes to public transit, MTA is not the only system that services and is responsible for getting commuters to and from the proposed congestion pricing area in midtown and lower Manhattan. NJ TRANSIT and PATH provide critical service across the Hudson River for residents of New Jersey who commute into New York City daily.

Some of my constituents may now be forced to pay an additional \$6,000 annually to commute into the city thanks to this congestion pricing tax on drivers into the city. They may choose to use transit instead.

Mr. Secretary, do you believe it makes sense for trans-Hudson transit options not to receive any of the funding generated by this program?

ANSWER. The decision on the use of highway tolling revenue is generally a decision of the respective state, as it is with this project. The New York State legislature passed the MTA Reform and Traffic Mobility Act (the Traffic Mobility Act) in April 2019 with the goal of reducing traffic congestion within the Manhattan Central Business District (CBD) and creating a dedicated revenue stream to fund transit capital projects in New York: 80% to New York City Transit, 10% to Long Island Railroad, 10% to Metro North Railroad.

Question 2. According to FRA safety data, there have been more than 500 rail accidents since the Norfolk Southern derailment in East Palestine.

Could you share the breakdown of train accidents by Class I railroad, other than grade crossing incidents?

ANSWER:

Class One Train Accidents (Feb 2023 Thru March 2024) Excl. Highway-Rail Crossing Incidents

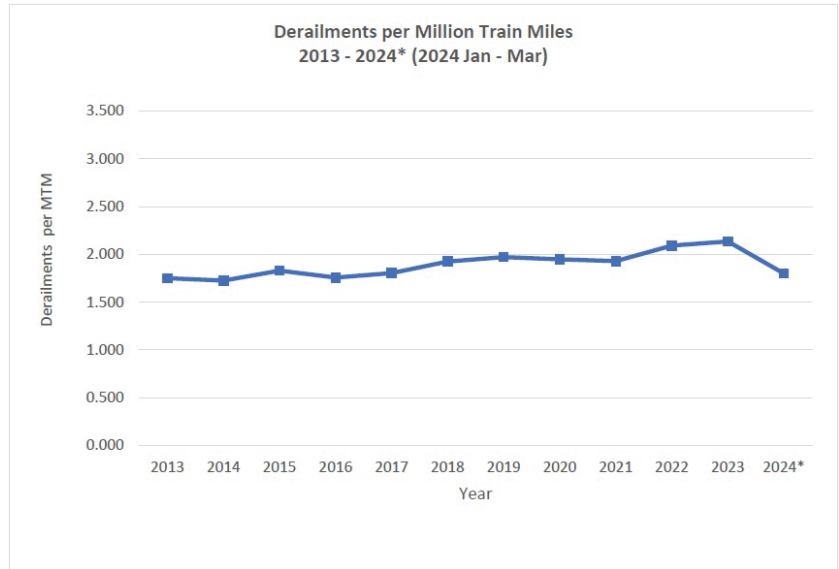
RAILROAD	Accidents	Total Miles	Rate (PMM)
BNSF	432.00	175,601,776.00	2.460
CN	58.00	22,843,464.00	2.539
CP	1.00	2,825,120.00	0.354
CPKC	15.00	17,921,570.00	0.837
CSX	262.00	74,712,943.00	3.507
KCS	1.00	3,503,447.00	0.285
NS	353.00	92,176,486.00	3.830
UP	585.00	133,001,133.00	4.398
Class Ones †	1,640.00	514,720,575.00	3.186

† NOTE: Class One totals don't sum to total because some accidents involve more than one railroad. This prevents double-counting. Rate Calculated per million train miles.

Question 3. In the hearing, it was suggested that there have been double the average number of train derailments in 2023 compared to 2022. You indicated this was false during your testimony but were not given a chance to provide the full data.

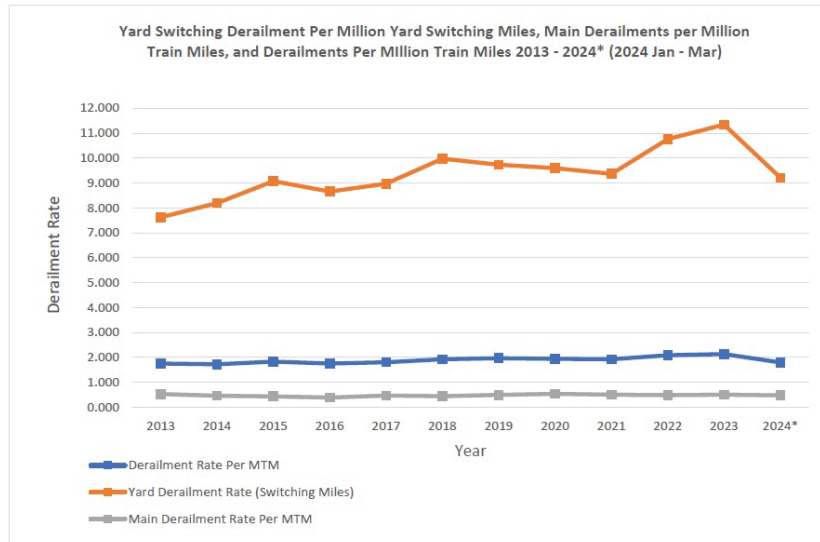
How many derailments have there been this year? Is this double the average from last year?

ANSWER. FRA uses derailment rate, defined as derailments per million train miles (on mainline and other track, e.g., sidings) or derailments per million yard switching miles (within rail yards), to capture the idea of an average in a precise manner. The following graph shows derailment rate for the last decade.



Data for 2024 is through March 31.

The rate has not doubled since 2022. The rate increased slightly in 2023 and has been slightly lower thus far in 2024. Over the last decade, the derailment rate has been relatively stable.



Over the last decade, derailment rates have been rising in rail yards but holding steady or decreasing on mainline track. The yard derailment rate is lower in the first three months of 2024 than in 2022.

Question 4. We all have seen the chaos that results from freight railroad service disruptions, both because of external factors and their own decisions regarding scheduling service. Where there is vagueness concerning service standard requirements, freight railroads, especially the Class I carriers, are incentivized to make decisions based on financial considerations, rather than what will provide the best service to rail shippers and their clients.

Proposals have been made by me and my colleagues in the Senate that would statutorily clarify the service standards, known as common carrier obligations and establish specific criteria for the Surface Transportation Board to consider when weighing whether a rail carrier has violated that requirement. If a bill like this was to be enacted, the STB would be empowered to qualitatively analyze whether a rail carrier has violated their obligation to provide minimum service standards and rectify the situation.

Mr. Secretary, I understand that the STB isn't a modal agency of the Department of Transportation. However, I would like to get your thoughts on this issue. Do you believe legislation that clarifies common carrier obligations and empowers the STB to conduct analysis of possible service standard violations would enhance the level of freight rail service provided to shippers and clients across the country?

ANSWER. DOT recognizes there have been supply-chain challenges. To improve rail service and safety, DOT, with funding provided by the Bipartisan Infrastructure Law, has invested in training programs and workforce development, and in projects across the country to improve rail access.

With respect to proposed legislation to clarify service standards and the common carrier obligation, DOT defers to the STB as to the effect this legislation will have on its ability to provide oversight. DOT would like to commend and highlight the STB's recent efforts to address inadequate rail service issues, including the STB's Notice of Proposed Rulemaking (NPRM) in *Reciprocal Switching for Inadequate Service*, Docket No. EP 711 (Sub-No. 2) (STB served Sept. 7, 2023). The NPRM presents an opportunity to address critical rail service issues through reciprocal switching reform, and the Board's proposed performance standards are intended to reflect a minimum level of rail service below which regulatory intervention may be warranted. DOT remains ready to assist the STB, where appropriate, as this effort proceeds. DOT also appreciates the STB's continuous efforts to address significant service problems in *Urgent Issues in Freight Rail Service—Railroad Reporting*, Docket No. EP 770 (Sub-No. 1), including service recovery reporting requirements for Class I carriers. Reporting metrics collected under Docket No. EP 770 have provided DOT

with invaluable insight into factors that affect the safety, reliability, and efficiency of railroad operations.

QUESTIONS TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. MARK DESAULNIER

Question 1. I have been a long time proponent of transit and have been working to make all forms of transportation more effective and accessible in the district I represent and the greater San Francisco Bay Area. There, we have 27 different transit agencies, from bus, to rail, to commuter train, that serve a 9 county metropolitan megaregion that consists of almost 7.5 million people, all of which have had varying degrees of 'returning to normal' following massive decreases in ridership during the pandemic. How can we help support transit agencies in large metropolitan areas work more cohesively and incentivize coordination and improved performance of transit to serve riders?

ANSWER. Transit agencies are key partners in the federal transportation planning and programming process. We want to make sure that all 27 agencies in the Bay Area have a seat at the table and are proactively involved in identifying transportation solutions that improve mobility for all. In the Bay Area, the Metropolitan Transportation Commission or MTC directly distributes more than \$1 billion a year to local public transit agencies and other recipients. This means that collaboration among these agencies is critical, particularly to ensure public transportation patrons have a seamless experience among the various transit providers that serve the region. As MTC makes updates to the long-range transportation plan for the area, establishing performance measures on transit access and mobility will help ensure accountability for ongoing service improvements.

Another consideration for improving transit performance is for large transit agencies to direct more of their federal dollars to conduct up-to-date on-board transit rider surveys. These surveys identify how the traveling public utilizes the regional transit system at various points in time. This information is essential to fully understand the new normal of travel patterns following the pandemic. The MTC has been one of the leaders in collecting on-board transit rider surveys. However, due to their costs, MTC has historically collected these surveys on a rolling five-year basis. Having a more frequent assessment of post-pandemic transit rider patterns would allow transit providers in large metropolitan areas to identify the most effective, customer-focused transit solutions.

Additionally, supporting Transit Oriented Development (TOD) around transit stations to increase ridership and generate economic activity is a key component. Since 2015, DOT has awarded the Bay Area Rapid Transit and the Santa Clara Valley Transportation Authority over \$6 million combined in TOD Planning grants to improve transit access and performance in the region. There are also other discretionary grant opportunities at the Department that support coordinated regional transportation planning efforts, such as Rebuilding American Infrastructure with Sustainability and Equity (RAISE), and Reconnecting Communities and Neighborhoods. When communities in the region work collectively to support or jointly apply for these opportunities, it has the potential for the application(s) to be more competitive.

Question 2. How can we ensure that IRA and BIL funding is being used effectively? How can we support the DOT in working to provide proper oversight of program funding disbursement and use?

ANSWER. The Bipartisan Infrastructure Law (BIL) and Inflation Reduction Act (IRA) make historic investments in the transportation sector: improving public safety and climate resilience, creating jobs across the country, speeding the transition to green transportation options, and delivering a more equitable future. The Department takes its oversight role in the implementation of these laws seriously, and is working expeditiously to get projects underway that will deliver on the Administration's commitments. DOT has worked since the enactment of these two laws to stand up a robust BIL and IRA coordination function between the Department's Operating Administrations, and has established a Project Delivery Center of Excellence to accelerate the completion of local transportation infrastructure investments. The Department is also providing unprecedented levels of technical assistance to program applicants and recipients, particularly those in rural and disadvantaged communities that may not be familiar with the federal grantmaking process. Finally, the Department has prioritized internal controls and monitoring of payment accu-

racy to help avoid waste, fraud and abuse, and has set a goal of 99% accuracy in the Agency's Annual Performance Plan.

Question 3. Given the historic grant opportunities that the Bipartisan Infrastructure Law offers local agencies, how will you commit to continue working with local agencies, like the Contra Costa Transportation Authority in the district I represent, that have a strong history of federal partnership delivering innovative projects that provide safer, equitable, and accessible transportation infrastructure?

ANSWER. The Department will continue partnering across federal, state, and local agencies to deliver transformational infrastructure projects. The National Surface Transportation and Innovative Finance Bureau, known as the Build America Bureau (Bureau), draws on expertise and resources throughout the Department to serve as the point of coordination for states, municipalities, and project sponsors. The Bureau advances investment by lending federal funds to qualified borrowers; clearing roadblocks for creditworthy projects; encouraging best practices in project planning, funding, financing, and delivery; and fully using available lending capacity while protecting taxpayer resources. The Bureau develops DOT-wide policies to improve transportation infrastructure financing and project delivery, develops new initiatives to facilitate public and private financing mechanisms, and analyzes the cost-effectiveness of new and alternative approaches across transportation modes and asset types.

In addition, the Bureau offers technical assistance and grant programs to support project planning, development, and funding and financing strategies to deliver transformative infrastructure. The Bureau helps local, regional, and state governments develop their capacity and remove barriers to funding, financing, and delivering these projects.

Bureau programs include:

- Technical assistance grants to advance expertise and capacity in innovative funding, finance, and project delivery.
 - We announced selections for the third round of Regional Infrastructure Accelerators,¹ now totaling 24 entities and \$34 million. Regional Infrastructure Accelerators help communities develop infrastructure priorities and financing strategies to accelerate project development. DOT anticipates releasing the Notice of Funding Opportunity for \$10 million appropriated in FY 2024 in calendar year 2024.
 - The Thriving Communities Program funds Capacity Builders who provide technical assistance to help state, local, Tribal and territorial governments better access historic levels of federal funding for projects in their communities. For FY 2022, DOT selected 64 urban, rural, and Tribal communities for support, including the Anaheim Transportation Network, Nebraska's Metropolitan Planning Agency, and Texas' VIA Metropolitan Transit Agency. In April 2024, DOT announced \$23.6 million in cooperative agreements with three national Capacity Builders and six regional Capacity Builders through the second round of funding for the Thriving Communities Program. A total of 112 communities will receive support through the second round of the program, bringing the total number of communities supported to 176 across the two program years.
 - The Rural and Tribal Assistance Pilot Program will provide \$10 million over five years to communities seeking early-stage support in developing projects in rural and Tribal communities. DOT received over 400 applications requesting more than \$127 million in response to the first Notice of Funding Opportunity. Tribal applicants submitted 70 of those applications for \$19 million. In fall 2023, the Bureau selected 13 entities (7 of which are Tribes) to receive a combined \$3.4 million, including Contra Costa Transportation Authority. In 2024, the Bureau anticipates releasing the next Notice of Funding Opportunity for \$27 million (\$2 million from BIL and \$25 million from FY 2024 appropriations).
 - The Bureau released the first Innovative Finance and Asset Concessions Grant Program² Notice of Funding Opportunity in March 2024 for up to \$40 million to help localities evaluate public-private partnerships and exploring opportunities for innovative project financing and delivery. The Bureau received over 50 submissions and plans to announce recipients later this cal-

¹ <https://www.transportation.gov/briefing-room/us-department-transportation-advances-america-infrastructure-expanded-regional>.

² <https://www.transportation.gov/buildamerica/innovativefinancegrants>.

endar year. BIL provided this program another \$20 million in FY 2025 and \$20 million in FY 2026.

- Financing programs that provide lower interest loans for transportation infrastructure projects, including highway, transit, passenger rail, certain freight facilities and port projects, rural infrastructure, airports, and transit-oriented development. Since Q2 of calendar year 2021, the Bureau has executed 34 loan agreements (10 of which were refinancings) for \$12.1 billion. Of the 24 net new loans, 25 percent were for transit projects. Currently, the Bureau's project pipeline includes \$19.5 billion, half of which is for transit projects.
 - The Transportation Infrastructure Finance and Innovation Act (TIFIA) program provides loans up to 49 percent of project cost for public transportation, transit-oriented development, and rural projects, and loans up to 33 percent of project cost for surface transportation projects.
 - The Railroad Rehabilitation and Improvement Financing (RRIF) program provides loans up to 100 percent of project cost for passenger, freight, and commuter rail and transit-oriented development.
- Other services to advance infrastructure include:
 - The Bureau conducts one- or two-day technical workshops with local and state entities on topics, such as alternative delivery models to finance, design, build, operate, and maintain infrastructure and identifying transformative projects, including transit projects. Recent workshops include Otay Mesa East Inter-Agencies, Austin, Kansas City, and Los Angeles Metro.
 - The Bureau has signed three emerging project agreements for enhanced cooperation between the Bureau and project sponsors to advance major programs of transportation projects. The Austin, Texas, agreement covers 18 projects totaling \$22 million. The Kansas City, Missouri, agreement covers 7 projects totaling \$15 billion. The California agreement includes over 30 projects totaling billions of dollars.
 - The Bureau compiles and disseminates best practices in innovative project delivery and financing. For example, the Bureau-FHWA co-managed, \$5 million Build America Center, led by the University of Maryland and four other universities, provides research, seminars, and analysis of best practices to share with localities.

Transit agencies such as the Contra Costa Transportation Authority (CCTA) are key partners in the transportation planning and programming process. DOT will ensure CCTA has a seat at the table with respect to regional transportation decision making and has opportunities for proactive involvement in the identification of solutions that improve mobility for all. Through technical assistance opportunities and engaging on discretionary grants for transportation planning activities, DOT will help ensure CCTA is well positioned to incorporate strategies that improve transit access and mobility in the metropolitan planning process. These efforts will help the agency and the region continue achieving its goals related to delivering innovative projects that focus on safety, equity, and accessibility.

Within the Office of the Under Secretary for Transportation Policy, the Rural Opportunities to Use Transportation for Economic Success (ROUTES) Initiative prioritizes the needs of rural America by supporting rural transportation policy and equitable access for rural and Tribal communities that face challenges relating to transportation safety, mobility, and economic development. ROUTES develops user-friendly tools and information, aggregates DOT resources, and provides technical assistance to better connect rural project sponsors with the funding, financing, and outreach resources available. For instance, the new Rural Grant Applicant Toolkit for Competitive Federal Transportation Funding helps rural applicants understand the federal grant process and the opportunities that are available to support rural transportation projects. The ROUTES Initiative also partners with USDA's Rural Partners Network and DOE's Interagency Working Group on Coal & Power Plant Communities & Economic Revitalization to support rural communities in need of targeted technical assistance.

Question 4. Aviation reporting requirements for airlines and manufacturers are critical to enhancing aviation safety, improving transparency and accountability, and allowing the FAA to conduct proper oversight of aircraft in the national airspace system. However, not all airlines employ the same reporting regimes or standards, resulting in varying frequencies and quantities of data. After the two fatal Boeing 737 MAX accidents, the FAA took action to ensure the safety of the aircraft upon its return to service—in part increasing the scrutiny of reported issues. Lately, we've seen large discrepancies in the number of reports in the Service Difficulty Reporting system for Boeing 737MAX aircraft coming from various airlines.

Question 4.a. Can you clarify whether this is a result of issues with the aircraft, or differences in reporting systems? If the latter, can you explain how the difference in reporting systems contributes to these discrepancies?

ANSWER. The regulatory reporting requirements are the same for all airlines (air carriers conducting operations under 14 CFR 121). Differences in reporting may be driven by various factors, including fleet size, fleet age, operating hours, and environments. Additionally, the FAA regulations require that each certificate holder shall report any other failure, malfunction, or defect in an aircraft that occurs or is detected at any time if, in its opinion, that failure, malfunction, or defect has endangered or may endanger the safe operation of an aircraft used by it. This requirement is intended to capture data that may not otherwise meet the specific reportable criteria. The FAA has instituted enhanced monitoring of the 737 MAX fleet safety and reliability as it returned to service, comparing data from multiple sources using advanced analytic tools to inform our continued operational safety process. As part of continued operational safety, the FAA regularly reviews and makes safety determinations for potential safety issues.

Question 4.b. How is FAA and DOT working with airlines to resolve any reported issues?

ANSWER. Service Difficulty Reports (SDRs) are a critical component of safety management for an operational fleet. The FAA reviews SDRs submitted by operators to assess safety trends or the need for additional corrective action. The SDR program allows for an exchange of information and provides an additional method of communication between the FAA and operators concerning in-service problems. The FAA also conducts regular oversight of U.S. operators.

Airlines (i.e., air carriers operating under 14 CFR Part 121) must provide SDRs, Mechanical Interruption Summary Reports, and on occasion as applicable, Voluntary Disclosure Reports and Safety Management System hazard/risk information to their respective Certificate Management Offices (CMO). The CMOs review the reported issues to assess if the issues are systemic or isolated incidents, if safety trends are identified, and/or if corrective actions prevent recurrence. Airlines often voluntarily exchange information with the CMOs during their corrective action phases. When additional corrective action is needed from outside the airline's authority, and that can be facilitated by the CMO, the CMOs may reach out to the FAA's Aircraft Evaluation Division (AED) and/or the Aircraft Certification Organization (ACR) to create a collaborative environment with the airlines, CMO, AEG, AIR and potentially with the manufacturer, to collectively address the reported issue and design appropriate corrective action(s).

Question 4.c. Can you explain what DOT and FAA has done to monitor and improve the safety of the 737MAX since its return to service?

ANSWER. The FAA has instituted enhanced monitoring of the 737 MAX fleet safety and reliability as it returned to service, comparing data from multiple sources using advanced analytic tools to inform our continued operational safety process. As part of continued operational safety, the FAA regularly reviews and make safety determinations for potential safety issues.

The FAA has completed the special qualification review required by the Aircraft Certification, Safety, and Accountability Act (ACSAA) to evaluate all Boeing Organization Designation Authorization (ODA) unit members (UM). The FAA continues to work with Boeing to implement changes in their procedures manual and conduct oversight related to UM interference. The FAA is also approving all new unit members for Boeing's ODA and has appointed FAA Safety advisors for engineering unit members at Boeing. Finally, the FAA continues to work closely with Boeing to mature its voluntary Safety Management System.

QUESTIONS TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. GREG STANTON

Question 1. Included in the Bipartisan Infrastructure Law (BIL) was bipartisan legislation, the ROCKS Act, I led that establishes a working group at DOT to examine and draft policies to ensure we have sustainable access to construction materials. My home state of Arizona has led the way in enacting such policies that keep prices low and ensure more sustainable options are available as we work to build the infrastructure funded by the BIL. It is my understanding the Federal Highway Administration is working to implement this important provision and establish the federal working group created by the ROCKS Act, but it has still not moved to the Federal Register and is awaiting sign off by your office. Would you be willing to in-

investigate this issue and work with your team to implement the working group on covered resources?

ANSWER. The Working Group on Covered Resources was established in accordance with Section 11526 of the Bipartisan Infrastructure Law and the Federal Advisory Committee Act (chapter 10 of title 5, United States Code), on October 5, 2023. The committee and its charter are now posted to GSA's FACA database. FHWA published a notice in the Federal Register soliciting membership to the Working Group on January 9, 2024. The deadline for nominations was March 11, 2024. We are currently reviewing the nominations.

Question 2. Most of us are aware of the shortage of construction workers to complete the important projects funded by the BIL. However, less prominent, but equally as important, is the shortage of service technicians to repair and maintain the heavy equipment and machinery essential to building our nation's infrastructure, and ensuring the full benefits of the law are realized. According to a report commissioned by the AED Foundation, the educational arm of Associated Equipment Distributors, the trade association representing dealers of heavy equipment, AED members on average are looking to fill nearly 3,000 service technician positions. Factoring in attrition, and growth, this number is expected to increase by at least 30 percent over the next 3 years, costing the industry more than \$1.1 billion in lost economic output, a number expected to double over the next three years. What steps is the Administration taking to address these workforce shortages for businesses that sell, rent and service the equipment needed to rebuild America's infrastructure?

ANSWER. To help address growing workforce needs, FHWA is implementing the Strategic Workforce Development initiative which is focused on assisting those in the infrastructure and transportation industries with identifying, training, and placing workers in good-paying careers. This initiative can be used to assist the infrastructure and transportation industries with workforce development challenges, including the businesses that sell, rent and service heavy equipment. FHWA is also delivering the Transportation Education and Training Development and Deployment Program (TETDDP), which provides grants to develop, test, and review new curricula and education programs to train individuals at all levels of the transportation workforce. The program can also be used to implement the new curricula and education programs to provide for hands-on career opportunities to meet current and future workforce needs.

Question 3. What is the Department doing to continue the momentum undertaken by local agencies to begin transitioning their municipal fleets to cleaner-burning propulsion systems? By way of example, the FTA's Low-No and Bus & Bus Facilities grant programs have begun providing seed money for transit agencies looking to transition their overall fleets long-term. What can the Department do to ensure those agencies can count on continued, and possibly additional, funding opportunities to plan for the higher costs anticipated with these newer-technology vehicles and the infrastructure needed to support them?

ANSWER. Funding provided by the Bipartisan Infrastructure Law (BIL) guarantees more than \$1.1 billion per year through fiscal year 2026 to assist the industry in transitioning their fleets to low or no emission vehicles.

Question 4. The Bipartisan Infrastructure Law is making significant improvements to transportation systems that will last for generations, and while the result can meaningfully transform these communities, it often comes at a great expense to small businesses along the construction corridor. The City of Phoenix provides localized assistance programs to help these businesses; unfortunately, some see irrevocable revenue losses and local programs are not enough to make up for those losses. Reducing the loss of revenue by issuing grants to help these businesses during construction may not only keep the small business community afloat, but it can also maintain the unique characteristics of these communities. Would the Department consider providing direct financial assistance to these businesses affected by construction of Capital Investment Grant projects to be an eligible project expenditure within the Capital Investment Grant program?

ANSWER. A change to the law would be required to allow Capital Investment Grants funding to be provided directly to local businesses impacted by the transit project construction. Currently only public entities are eligible grant recipients.

Question 5. Are there opportunities for the Department to provide additional assistance to already awarded grant funded projects to account for inflationary costs?

ANSWER. The Department has historically provided flexibility to grantees that have experienced hardships due to inflation, national disaster, supply chain challenges, and COVID-19 impacts. The Department has worked with grantees to

amend the scope, schedule, and budget of specific grant agreements while still maintaining the statutory requirements and competitive award justifications.

Question 6. Many municipalities, consultants, and contractors that are working on grant funded projects are facing staffing challenges and other obstacles, which can delay the delivery of grant funded projects. Has the Department considered allowing an extension for delivery of projects funded by BIL programs?

ANSWER. The Department has provided schedule flexibility to grantees up to the Congressional mandated deadlines to allow project sponsors additional time to complete pre-construction requirements and reach signed grant agreements. DOT does not have the authority to waive obligation deadlines or construction deadlines established by Congress. However, DOT will continue to provide technical assistance and maximum flexibility to grantees, as allowable, to ensure awarded projects reach completion.

QUESTIONS TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. SETH MOULTON

Question 1. I expect that there will be some HSR funding in the competitive rail grant announcements coming in the next few months. Last year, you made a commitment to getting HSR done in “2–3 geographies.”

What has happened since you made that commitment? Why is the administration moving so slowly? Why has it taken almost 3 years into this administration to fund high-speed rail?

ANSWER. High speed rail projects are eligible for several programs funded under the Bipartisan Infrastructure Law, although there is no dedicated funding for high-speed rail. FRA’s goal is to consider funding high-speed rail projects with available resources under the Bipartisan Infrastructure Law, and FRA has selected several projects for award with services planned to operate at speeds of up to 186 mph or greater, including:

- *Fiscal Year 2022 (FY22) Corridor Identification and Development (Corridor ID) Program:* Amtrak Texas High-Speed Rail Corridor; Brightline West High-Speed Corridor; California High-Speed Rail Phase 1 Corridor; Cascadia High-Speed Ground Transportation; Charlotte, North Carolina, to Atlanta, Georgia, Corridor; Fort Worth to Houston High-Speed Rail Corridor; and High Desert Intercity High-Speed Rail Corridor (up to \$500,000 each).
- *FY22–23 Federal State Partnership for Intercity Passenger Rail (FSP-National) Program:* California Inaugural High-Speed Rail Service Project (up to \$3,073,600,000) and Brightline West High-Speed Intercity Passenger Rail System Project (up to \$3,000,000,000).
- *FY22 Consolidated Rail Infrastructure and Safety Improvements (CRISI) Program:* Six Grade Separations in the City of Shafter Project (up to \$201,946,942 awarded to the California High-Speed Rail Authority)

Additionally, FRA has continued to work with potential project sponsors to maximize the use of domestic manufacturing while also ensuring that the safety and reliability of HSR systems is maintained. As such, FRA has developed a process, working with project sponsors of HSR systems, the Made in America Office within the Office of Management and Budget, and the National Institute of Standards and Technology’s Manufacturing Extension Partnership, to identify where HSR components are not manufactured domestically and develop both a short term and long-term strategy for increasing not only domestic manufacturing but also maximizing the opportunity to create good paying jobs.

Question 2. Environmentally beneficial projects like transit buildouts go through the same environmental permitting process as highway expansions. We have too often seen NEPA being used to end environmentally beneficial projects.

How is DOT thinking about pragmatic changes to NEPA that can help environmental outcomes by allowing more environmentally beneficial transit projects to be built? What do you need on the Congressional level to help in these efforts?

ANSWER. Although the statutory requirements for the NEPA environmental review process are substantially the same for transit and highway projects, as outlined in 42 U.S.C. § 4321 et seq. and 23 U.S.C. § 139, there are differences, some of which affect the ability of sponsors of transit projects to advance their projects as quickly as highway projects. The FY 2025 President’s Budget includes a provision to allow early acquisition of property for transit projects similar to what is allowed

for highway projects. Currently, transit agencies must wait to purchase certain properties until after a NEPA decision, which can introduce project risk and delays. The budget proposal would allow transit projects the same authority as highway projects (see page 888 of Department of Transportation budget appendix, available here: https://www.whitehouse.gov/wp-content/uploads/2024/03/dot_fy2025.pdf).

Within the current regulatory framework, FTA regularly seeks opportunities to streamline the analysis required for transit projects. For example, FTA strongly encourages project sponsors to develop annotated outlines for environmental impact statements and environmental assessments, helping to focus those environmental documents on issues of greatest importance. In addition, FTA recently issued a Programmatic Assessment of Greenhouse Gas Emissions from Transit Projects in a Federal Register notice, 89 FR 31796 (April 25, 2024). That particular effort is an update of the previously issued programmatic assessment that creates efficiencies for the analysis of GHG emissions for transit projects. FTA also continues to process 99% of its grants as categorical exclusions, which tend to take from a few days to a few months to complete. FTA will continue to seek ways to expedite the environmental review process for transit projects and encourage more project sponsors to take advantage of existing categorical exclusions.

Question 3. Boston's South Station Expansion listed as one of the priorities on the Northeast Corridor Project Inventory. There is a one mile gap in the entire Northeast Corridor from Maine to Virginia, which exists between North and South Station in Boston. Currently, South Station in Boston is the end point of the NEC. This means you are cutting off half the city plus the northern half of New England from the NEC. At a cost of over \$3.5 billion, SSX would be obsolete in 10 years, while NSRL is a solution for the next century. By expanding South Station without building the NSRL, it implies that the North Shore of Massachusetts, Maine, Vermont, and New Hampshire don't deserve to be connected to the rest of the NEC, and South Station should continue to be the terminus of the Northeast Corridor.

Why is South Station Expansion still a DOT priority ahead of a North-South Rail Link? Why would it be a priority to spend \$3.3 billion to expand South Station, when we could spend \$6 billion to connect North and South Station and eliminate system redundancies with the North-South Rail Link?

ANSWER. In its Notice of Proposed Approach to the Northeast Corridor Project Inventory, 87 37905 (June 24, 2022), FRA indicated its emphasis on the work of the NEC Commission, of which the Massachusetts Department of Transportation is a member, as a key input to the NEC Project Inventory. Consistent with the requirements of 49 U.S.C. § 24911(e), in developing the first NEC Project Inventory, FRA relied on the best available information provided by project sponsors to the NEC Commission and published in the NEC Commission's collaborative planning documents. This included ensuring the NEC Project Inventory was consistent with the projects and project information provided by project sponsors as of August 2022 and published in the NEC Commission's CONNECT NEC 2035 plan and FY23–FY27 Capital Investment Plan.

As the identified project sponsor, the Massachusetts Bay Transportation Authority (MBTA) submitted the Boston South Station Expansion project for inclusion in those plans, and accordingly FRA included the project in its NEC Project Inventory. The project was shown as "Not Started by 2024" on the NEC Project Inventory, consistent with MBTA's submitted project schedule. The Boston South Station Expansion project did not receive a proposed funding allocation or anticipated obligation.

The North South Rail Link project was not submitted by the Massachusetts Department of Transportation or MBTA to the NEC Commission for inclusion in its collaborative planning documents. FRA therefore did not include it in the NEC Project Inventory. FRA will be updating the NEC Project Inventory every two years at a minimum and will continue to rely in large part on NEC Commission work products in future updates.

Question 4. I am happy that the Gateway Project is underway. However, it is my worry that building the Hudson Tunnels will leave us with the same problem of not having adequate infrastructure to accommodate capacity needs.

Question 4.a. What is the capacity of the planned Gateway tunnel? Is this adequate to meet current and future demands on the corridor?

ANSWER. Through the NEC FUTURE program (<https://www.fra.dot.gov/necfuture>), FRA evaluated the appropriate level of capacity improvements on the Northeast Corridor in the context of current and future transportation demands; in the NEC FUTURE Record of Decision, FRA found that additional infrastructure between Washington, D.C., and New Haven, CT, and between Providence, RI, and Boston, MA, was needed to achieve service and performance objectives necessary to improve rail service. FRA understands the purpose of the Gateway Program of projects, of

which the Hudson Tunnel Project is one, is to increase track, tunnel, bridge and station capacity (<https://www.gatewayprogram.org/>) to allow the doubling of passenger trains in this section of the Northeast Corridor. As stated in the Record of Decision for the Hudson Tunnel Project (<https://www.hudson-tunnelproject.com/library>), the Project is consistent with the NEC FUTURE vision (which included new trans-Hudson tunnel investments) and supports the goals of the Gateway Program (construction of the new Hudson Tunnel would indeed double track capacity between Secaucus Junction Station in New Jersey and Penn Station New York in Manhattan). However, a number of other substantial infrastructure capacity expansion projects must be completed along this stretch of the Northeast Corridor before Amtrak and NJ TRANSIT can increase capacity and peak-period train frequency.

Question 4.b. What is an ideal usage of the NEC given optimal speeds and demands? How does this compare to other high-frequency corridors abroad?

ANSWER. FRA launched the NEC FUTURE program (<https://www.fra.dot.gov/necfuture>) to consider the role of rail passenger service and evaluate the appropriate level of capacity improvements on the Northeast Corridor in the context of current and future transportation demands. In the NEC FUTURE Record of Decision found at the link provided above, FRA identified corridor-wide service and performance objectives for frequencies of up to 10 intercity trains per hour between Washington, D.C. and New York City, travel time targets such as five hours Boston to Washington, D.C., design speed targets of 160 MPH on the existing NEC and 220 MPH on new segments, and passenger convenience initiatives from integrated commuter and intercity operations and ticketing. These objectives will inform planning for projects on the NEC over the next decade and beyond. FRA is currently engaged with Amtrak to identify service improvement opportunities—with a focus on trip time improvement—that can be prioritized for accelerated planning and funding.

Other high-frequency rail corridors abroad offer a similar mix of service types but have additional track infrastructure to separate frequent stop commuter and intercity trains including express services. International high-frequency corridors are also typically part of more extensive national rail networks with greater overall mode share and utilization.

Question 4.c. Is a completed Gateway Program sufficient to meet demand on what should one day be one of the most heavily trafficked rail corridors in the world?

ANSWER. The Gateway Program lists as one of its objectives a doubling of rail capacity between Newark Penn Station and New York Penn Station. FRA does not determine the scope or timing of the Gateway Program of projects, and as such, cannot speculate on what service levels the full buildout of the Gateway Program will ultimately be designed to accommodate. However, FRA did, through the NEC FUTURE program (<https://www.fra.dot.gov/necfuture>), evaluate the appropriate level of capacity improvements on the Northeast Corridor to meet current and future transportation demands. In the NEC FUTURE Record of Decision at the link provided above, FRA found that additional infrastructure, such as that envisioned by the Gateway Program, between Washington, D.C., and New Haven, CT, and between Providence, RI, and Boston, MA, was needed to achieve service and performance objectives necessary to improve rail service.

QUESTIONS TO HON. PETE BUTTIGIEG, SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. MARY SATTLER PELTOLA

Question 1. Given the safety benefits of ADS-B, what additional measures can DOT and FAA take to incentivize further ADS-B equipage? The FAA previously ran an ADS-B Rebate program. Would you consider restarting the ADS-B Out Rebate program—with greater incentives—to assist with improved equipage rates and further enhancing the safety of the National Airspace System?

ANSWER. In the years prior to the FAA's final rule mandating ADS-B going into effect (January 1, 2020), the FAA identified General Aviation equipage levels as a barrier to the successful implementation of the mandate. Accordingly, the FAA instituted an equipage incentive program that provided rebates of up to \$500 for the equipage of ADS-B Out in eligible aircraft. This program was successful in generating incremental equipage while staying under its total program budget (\$10 million). The FAA notes that within the last year, the monthly increase in ADS-B Out equipage averaged just over 500 aircraft per month.

Question 2. Other technologies exist, such as TABS (or Traffic Awareness Beacon System), that can also bring about enhanced safety through improved traffic aware-

ness. These technologies provide important alternatives to ADS-B for gliders, balloons and aircraft without electrical systems. Would you consider taking measures to make these technologies more widely available in order to enhance the safety of the National Airspace System?

ANSWER. The FAA is committed to ensuring the safety of the National Airspace System (NAS) and ensuring safe separation between all users, including gliders, balloons, and aircraft without electrical systems, in addition to new users like unmanned aircraft systems (UAS). The FAA developed a standard order (TSO-C199) that allows manufacturers to certify equipment with the desired functionality. As with many technologies, market need drives investment. To date, the FAA is not aware of any TSO-C199 transmitter solution used on gliders and balloons. The FAA ADS-B Out mandate drove down prices and sizes for Mode S transponders in general aviation (GA) aircraft, such that the differentiation between a modern GA Mode S transponder and a TABS device is insignificant. These factors have reduced demand for manufacturers to develop TABS avionics, limiting the FAA's influence on TABS utilization.

Additionally, the FAA is exploring options including TABS and portable ADS-B to provide additional low-cost options for pilots to improve their conspicuity to other users of the NAS, while also ensuring those systems can reliably, accurately, and consistently provide position and identification information. While these systems do not meet the regulatory standard for ADS-B Out, the FAA recognizes the safety benefit that such novel devices may provide.

Question 3. In 2021, the FAA issued the FAA Alaska Aviation Safety Initiative (FAASI) final report. Done in response to an NTSB report recommendation, FAASI is designed to ensure the FAA is engaging with Alaskan stakeholders and ultimately addressing the State's safety needs. It is imperative that the FAA not only continue to address the FAASI recommendations but also work with the State of Alaska long-term to increase aviation safety. Do I have your commitment to ensuring the FAA follows through on this?

ANSWER. Yes. The FAA continues to work to reduce the fatal and serious injury accident rate in Alaska by following the FAA Alaska Safety Initiative (FAASI) FY 2023 roadmap and using stakeholder feedback to prioritize actions. In FY 2023, the FAASI accomplished all goals in accordance with the FY 2023 roadmap and has commenced work on all 11 FAASI recommendations. To date, the FAA has completed 3 recommendations, made significant progress on 4 recommendations, and made action plans for the remaining recommendations. The 3 completed recommendations are T-Route development, Mountain Pass Working Group, and Aeronautical Charting Meetings. Work on the remaining 8 recommendations will continue through FY 2024 and beyond. The FAASI process has been integrated into the regular work cycle of the FAA and will continue as such with annual end-of-year reports, stakeholder engagement, and roadmaps.