



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

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Minority Dissenting Views

Committee Republicans adamantly oppose the Committee's Budget Reconciliation recommendations, as amended and ordered to be transmitted on February 10, 2021. The Democrats' recommendations, as amended, are the product of a rushed and partisan process. In accordance with budget reconciliation instructions, this raises spending under the Committee's jurisdiction by \$95.62 billion with no consideration for how Americans will be forced to pay for the Majority's irresponsible spending decisions.

Democrats excluded Republicans from every part of this process. The 32 Republicans on the Committee stood ready to work across the aisle to provide relief to Americans and bolster the transportation sector in these unprecedented times; but unfortunately, that was not the path chosen by the Majority. Committee Republicans were not consulted in drafting the text, which the Majority released less than 48 hours before the business meeting. While such a partisan process is permissible under the rules, it completely prevented meaningful amendment debate as the outcome was predetermined in this utterly one-sided process.

During this time of great uncertainty for Americans, we should be providing sound budget policy targeted precisely where funds are necessary. Other COVID relief packages have come together with bipartisan development and support, and we are truly disappointed that we cannot continue working together in the same manner due to the partisan path directed by the Speaker of the House.

Republicans stood prepared to debate and negotiate budget priorities in good faith. However, in the United States House of Representatives, Speaker Pelosi decided to begin this Congress by ignoring the input of more than 200 House Members and moving forward with a hastily drafted multi-trillion-dollar spending measure. For this Committee's part, glaring omissions in the recommendations illustrate that many of our Democratic colleagues may have also been left out of this leadership-controlled process. Notably, during consideration of this measure, the Chair expressed his displeasure with the reconciliation process and yet indicated despite that he would oppose all Republican amendments, regardless of the merit. In many instances the Chair even acknowledged support for policies put forward by Committee Republicans but still refused to cross the Speaker's direction to conduct a closed, partisan process.

The process now being followed by the Majority does not adhere to the intent of the budget reconciliation process. The *Congressional Budget Act of 1974 (Budget Act)* created the optional process of reconciliation to bring revenues, spending, and the debt limit into conformity. Use of the expedited procedures under budget reconciliation is reserved for this limited purpose. Even under these accelerated procedures, the *Budget Act* yields to the committees of jurisdiction. It is up to the committees to craft legislation to meet the budget resolution directives. Moreover, it is up to the committees to use their standard practices to mark up their budget bill, and a committee cannot be compelled to act by the date set in the budget resolution, or at all. The intent of the *Budget Act* was not to hastily force through one-sided policies without input from Members. Notably, a key Senate component is the “Byrd Rule,” named for the late Democratic Senator Robert Byrd from West Virginia and was intended to exclude matters extraneous to the budget. Yet now it seems apparent that the Majority will deem nothing to be “extraneous” in this process.

When only one side legislates, sensible provisions frequently get left out of the process. If bipartisan discussions occurred, Republicans would have sought to balance the funds provided to urban and rural communities, which are dramatically and unfairly lopsided in the Majority’s package. For example, of the \$30 billion provided in Federal Transit Administration (FTA) grants, at least \$26.1 billion, or 87 percent, is directed specifically to urbanized areas.¹ The Majority summarily dismissed any amendment that attempted to more evenly distribute transit funding to rural areas, or to redirect a portion of transit funding to purposes that would benefit the entire Nation, such as highway infrastructure funds. In fact, Representative Gibbs (R-OH-7) offered an amendment that, if adopted, would have reprogrammed \$10 billion of transit funds for highway and bridge projects. If this amendment was accepted, transit still would still receive \$20 billion in this new relief bill, which was the requested amount of the Biden Administration.² Instead, total COVID relief for transit will total \$69 billion, while total COVID relief for highways and bridges remains at \$10 billion.

This was not the only amendment to attempt to mitigate the Majority’s failure to properly account for rural communities. In 2018, under the Airport Improvement Act (AIP), large hub airports (the 30 largest airports), received 15.9 percent of grant funding.³ Under the Majority’s proposal the largest hub airports now receive 62 percent of funding.⁴ This means that the 20 largest airports will receive more money than all the other 3,000 airports combined.⁵ Again, a Republican amendment offered by Representative Guest (R-MS-3) attempted to create greater parity among rural and urban airports but was rejected by the Majority.

¹ Calculations based on \$26.1 billion for urbanized area formula grants divided by \$30 billion for total transit.

² PRESIDENT BIDEN ANNOUNCES AMERICAN RESCUE PLAN, Jan. 21, 2021, *available at* <https://www.whitehouse.gov/briefing-room/legislation/2021/01/20/president-biden-announces-american-rescue-plan/>.

³ REPORT TO CONGRESS ON THE AIRPORT IMPROVEMENT PROGRAM FOR FY 2018 – 32ND ANNUAL REPORT OF ACCOMPLISHMENTS, FEDERAL AVIATION ADMINISTRATION (FAA), Aug. 26, 2020, *available at* https://www.faa.gov/airports/aip/grant_histories/annual_reports/media/32nd-Annual-AIP-report.pdf.

⁴ FAA staff e-mail to Republican Committee Staff, Feb. 8, 2021 (on file with Committee).

⁵ *Id.*

In addition, Republicans would have put greater emphasis on accountability, transparency, and ensuring no taxpayer funds are wasted, which often happens with a rushed proceeding such as this one. For example, Republicans emphasized during debate the importance of vaccine distribution and attempted to offer an amendment that would have ensured the Disaster Relief Fund (DRF) which is being provided \$50 billion in the underlying proposal would have been utilized to ensure more Americans have access to the vaccine. The Majority rejected an amendment submitted by Representative Westerman (R-AR-4) and offered and withdrawn on his behalf by Representative Bost (R-IL-12) that would have provided transparency on the \$50 billion of Federal Emergency Management Agency (FEMA) funding provided in this measure, in addition to the \$45 billion provided in previous relief funding. The majority also opposed another amendment offered by Representative Webster (R-FL-11) that would have increased and ensured funding was focused on vaccine distribution: one of the highest priorities for bringing the pandemic under control in our country, and therefore one of the surest ways to reduce the need for additional economic relief.

Last Congress, we worked in a bipartisan manner to combat this pandemic, and now we should seek to include mechanisms that ensure the efficient use of taxpayer dollars while strengthening our transportation sector's ability to recover. The Majority's bill fails to provide deliberative investments, focus on spending that will reduce costs in the future, and get individuals back to work and children back to school in a safe and healthy manner.

Sadly, there was no desire here to come together for the benefit of our Nation's recovery. The Majority even rejected Minority amendments with which they agreed. For instance, an amendment was offered by Representative Graves (R-LA-6) on behalf of Rep. Van Duyne (R-TX-24) to respond to recent discussions by the Biden Administration about putting in place a requirement for air travelers to provide proof of a negative COVID test before they fly domestically. This proposal has caused great concern in the air transportation and tourism industries, and at the end of this January, a coalition of 23 labor, travel, and tourism associations wrote a letter to the COVID-19 Recovery Team expressing grave concerns with the proposal.⁶ In addition, the Majority's own aviation witness at a hearing before the Committee on February 4, 2021, was asked about the domestic testing policy and stated that requiring tests "would be a cosmetic change that would hurt the airline business and actually make us less safe."⁷ The witness added that "the furloughs that we have seen so far would be dwarfed by what would happen if this policy went into effect."⁸ Despite the shared concerns and opposition to this expressed by the Majority during the markup and in other forums, the Majority still rejected an amendment to prohibit the Department of Transportation (DOT) and the FAA from using any funds provided by the Act to plan, develop, carry out, enforce, or assist in any way with such a domestic testing requirement.

⁶ Coalition letter to Jeffrey Zients, Coordinator, White House COVID-19 Recovery Team (January 29, 2021).

⁷ *Protecting Transportation Workers and Passengers from COVID: Gaps in Safety, Lessons Learned and Next Step: Hearing Before the H. Comm. on Transportation and Infrastructure 117th Cong.* (Jan. 27, 2021) (statement of Sara Nelson, International President, Association of Flight Attendants).

⁸ *Id.*

Surprisingly, the Majority also unanimously rejected amendments that sought to curtail China's influence over American goods and industry. Several amendments by Republican Committee members targeting Chinese influence and control over U.S. businesses, including the steel industry, were voted down by the Majority with no Democratic support. These votes came despite the Biden Administration's efforts to join Republicans' support of the *Buy America Act* and efforts to crack down on China's harmful influence.⁹ The defeat of these amendments aimed at protecting American workers and guarding taxpayer funds also represents a complete reversal from last Congress, when Democrats supported a Republican-introduced motion to H.R. 2, *the Moving Forward Act*, which was the Democrats infrastructure package, that firmly opposed Chinese state-owned entities operating in the United States. The Majority's actions send a troubling message that, given the choice between joining Republicans in supporting American workers or policies that favor Chinese state-owned industries, Democrats are open to choosing the latter. These are just some examples of the Majority's refusal to work with the Minority or allow us to participate in the drafting of this bill, even on issues where we share concerns.

Due to the razor thin Democratic majorities in the House and Senate partisan bills will be difficult to pass. Given this, the Majority is using this limited reconciliation process to exclusively pass its priorities without having to meet the 60-vote threshold in the Senate. Budget Resolution, H. Res. 11, which provides the Committee's reconciliation instructions, does not attempt to hide the fact that it is the vehicle for the Administration's \$1.9 trillion COVID relief proposal. COVID relief has been, and continues to be, important for the transportation sector and for all Americans. This measure is not a budget bill, and it should not be rushed through Congress under the procedures set aside very specifically for budget reconciliation. This point was acknowledged by both the Chair and Ranking Member during opening remarks in which both disagreed with the use of budget reconciliation regardless of which party is in power.

The Majority's reconciliation recommendations demonstrate the Democrats' failure to spend responsibly based on the effects of recent relief efforts, many of which are still unclear. In recent months, Congress approved \$113 billion in funding for the transportation industry as well as \$45 billion for FEMA and \$1.5 billion for the Economic Development Administration (EDA) for relief from the COVID pandemic. However, we have not taken the time to examine how that money has been spent, where additional funding can be most effective, and which programs are working effectively. While we agree there may still be various needs, the prudent option is to thoughtfully and carefully target the funds, as we have with other COVID relief packages that have come together on a bipartisan basis. For example, certain programs meant to aid our transportation partners are still awaiting guidance in order to be eligible for the funding, such as the \$2 billion provided to motorcoach and passenger vessel operators under the *Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act of 2021*.¹⁰ It is

⁹ President's Remarks on Signing an Executive Order on Ensuring the Future Is Made in All of America by All of America's Workers and an Exchange With Reporters, DCPC-2021100085, (Jan. 25, 2021) available at <https://www.govinfo.gov/content/pkg/DCPD-202100084/pdf/DCPD-202100084.pdf>; see also Jen Psaki, Press Briefing by Press Secretary, (Jan. 25, 2021), available at <https://www.whitehouse.gov/briefing-room/press-briefings/2021/01/25/press-briefing-by-press-secretary-jen-psaki-january-25-2021/>.

¹⁰ P.L. 116-260.

essential to make sure this money makes the biggest impact in the areas that need it most – especially as economic projections continue to show signs of recovery.

The reconciliation recommendations fail not only because they overspend and grow the government, they also fail because of unwise investments in policies that will lead to more wasteful spending. Our parties may have different views on what the size of government should be, but we should be in agreement that – however large – government spending should not temporarily gloss over problems that will simply increase spending down the road.

This hastily written vehicle for the Majority’s unchecked desire to spend taxpayers’ money without first deliberately working to identify the true needs will only grow worse as it is merged with other committees’ components, because bipartisanship in the House was rejected before the process began. Now the House Committee on Budget will pile on more spending to check any remaining boxes on the Majority left wing’s wish list. For all of these reasons, we strongly oppose this partisan reconciliation bill compiled without any input from the Members speaking for more than 72 million voters.



Sam Graves
Ranking Member



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Ranking Member
Subcommittee on Aviation



Bob Gibbs
Ranking Member
Subcommittee on Coast Guard
And Maritime Transportation



Daniel Webster
Ranking Member
Subcommittee on Economic Development,
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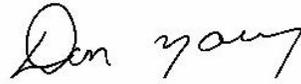
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Scott Perry
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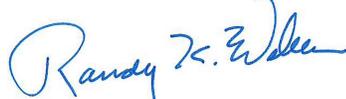
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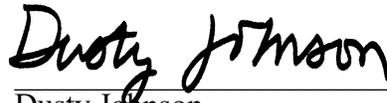
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