

February 6, 2021

Dear Senators and Congressmen

Thank you for your commitment to conducting oversight of the Infrastructure Investment and Jobs Act (IIA). To that end, the undersigned organizations support congressional efforts to halt the greenhouse gas performance measure regulation finalized Nov. 23 by the Federal Highway Administration (FHWA).

The IIA represents the most significant infusion of investment in the nation's infrastructure since the development of the Interstate Highway System in the mid 1950s. The robust, stable funding levels that the IIA includes are already making a meaningful impact in rebuilding America's transportation systems. Our organizations supported investments made in the IIA, which include programs dedicated to carbon reduction and infrastructure resilience. However, regulatory overreach outside the bounds of the IIA has the potential to limit improvements to our infrastructure.

Congress debated authorizing the U.S. Department of Transportation to establish a greenhouse gas performance measure, but it was ultimately excluded from the 2021 law due to the provision's lack of sufficient congressional support. While a previous administration considered establishing a similar greenhouse gas performance rule, the agency later determined that the rule exceeded its statutory authority as specified under 23 U.S.C. 150(c)(2)(C) and further was not required by law. To be clear, the statutory language around performance measures has not changed since the 2012 enactment of MAP-21.

We believe FHWA lacks the statutory authority to create a greenhouse gas performance measure, and therefore, support any and all congressional efforts to block this rule's implementation.

Sincerely,

**Associated General Contractors of America
American Road & Transportation Builders Association
Agricultural Retailers Association
American Bus Association
American Coal Ash Association
American Concrete Pavement Association
American Concrete Pipe Association
American Concrete Pumping Association
American Council of Engineering Companies
American Farm Bureau
American Highway Users Alliance
American Pipeline Contractors Association**

