

**Opening Statement of Ranking Member Carper: “Cutting Through the Red Tape:
Oversight of Federal Infrastructure Permitting and the Federal Permitting Improvement
Steering Council”**

Mr. Chairman, thank you for holding this hearing today and, especially, for the leadership that you and Senator McCaskill have shown on the issue before us.

One of the many things that you and I agree on is the need for us to invest in our nation’s infrastructure and put more people to work on projects that will help our economy continue to grow, for example, by building and rebuilding our roads, highways, bridges, railroads, and airports, as well as deploying broadband in rural parts of America.

Today’s hearing will focus on the work that occurs before we put shovels in the ground to get a project started.

As a longtime member – and now the Ranking Member – of the Environment and Public Works Committee, I’ve thought a lot about how we can build infrastructure projects smarter and more cost effectively. I’ve also thought a lot about how well the rules and permitting processes we have in place work, and how they sometimes don’t work as well as they could.

There are times when coordination between the agencies responsible for vetting a project isn’t done well and projects are delayed without good reason. So I’ve supported reasonable changes designed to improve the permitting process, and done so in both of the last two transportation infrastructure laws we’ve adopted, as well as the last two Water Resources Development Act laws.

One of my top priorities at EPW is to ensure that these initiatives are implemented fully and effectively, while ensuring that we don’t cause needless delays in the ultimate implementation of the measures that may have been adopted earlier.

A March 2017 report by the U.S. Department of Transportation’s Office of Inspector General provides us a cautionary tale about enacting new streamlining measures before the old ones are given a chance to work. That report found that some of what we did in the FAST Act – our most recent transportation law – may have actually delayed the implementation of some of what we did to speed projects along just a few years before in 2012.

In addition, it’s become clear through our work at EPW that there are a number of permitting changes included in the last two versions of the Water Resources Development Act that have not even begun to be implemented by the Army Corps of Engineers.

It is critical that the provisions we enact in this area be fully implemented so we can understand the impact they’ll have before we look to do more. To be able to do that, we need effective oversight like we’re doing here today.

That brings me to the main topic we'll be discussing at this hearing, Mr. Chairman – the provisions you and Senator McCaskill were able to include in the FAST Act to better coordinate agency permitting activities and improve transparency for certain major infrastructure projects.

There is clear value in the reforms set in motion by the Portman-McCaskill law and the Federal Permitting Improvement Steering Council it created. I look forward to hearing more details today about how all of them are working. I'm especially interested in learning about how the transparency the new law offers regarding agency permitting timelines can speed things along, and about how the sharing and adoption of best practices for project review can help agencies work smarter.

That said, it's become clear to me in examining the work you and Senator McCaskill have done that strong and effective senior leadership at the Council and at the agencies responsible for a given project is key. It's important, then, that the President appoint a skilled and capable permanent Executive Director for the Council who is equipped with the authority necessary to push projects through to completion.

Before we hear from our witnesses, Mr. Chairman, I'd like to briefly make a few additional points and then close.

First, it's important to note that, while we all want permitting decisions to occur quickly, the rules and processes we have in place are not just "red tape." They're intended to help agencies make good decisions that protect public health and natural resources. They also ensure that state, local, and tribal stakeholders have a say. If this work is well-coordinated, it can improve outcomes, reduce costs, and identify potential conflicts early on. A strong Federal Permitting Improvement Steering Council can help make sure that happens more often.

Second, while environmental reviews are often blamed for project delays – and in some cases, that's true – studies have shown that projects are usually held up for other reasons – lack of capital funding for large projects being chief among them.

Similarly, limited resources at permitting agencies like EPA and the U.S. Fish and Wildlife Service can diminish their ability to engage early and complete their work on time. So we should work to ensure that all of the agencies involved in getting infrastructure projects off the ground – including the Federal Permitting Improvement Steering Council – have the resources they need to do their jobs well.

Finally, in closing, Mr. Chairman, I want to congratulate you and Senator McCaskill for the bipartisan work that went into the permitting reforms we'll be discussing today. I know how difficult it can be to get consensus on these issues. You and Senator McCaskill deserve our thanks for authoring legislation that promises to create jobs while building and rebuilding our infrastructure more quickly, all with the support of the business community, labor unions, and the Obama Administration.

My thanks again for holding this hearing. I look forward to hearing from our witnesses.