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Union Calendar No. 609

110th Congress, 2d Session – – – – – – – – – – – – – – – House Report 110–936

(110–177)

SUMMARY

OF

LEGISLATIVE AND OVERSIGHT ACTIVITIES

ONE HUNDRED TENTH CONGRESS

FIRST SESSION
CONVENED JANUARY 4, 2007
ADJOURNED DECEMBER 19, 2007

SECOND SESSION
CONVENED JANUARY 3, 2008
ADJOURNED JANUARY 3, 2009

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

U.S. HOUSE OF REPRESENTATIVES

JANUARY 2, 2009.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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U.S. GOVERNMENT PRINTING OFFICE

46–138 WASHINGTON : 2009

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LETTER OF SUBMITTAL

HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, January 2, 2009.

Hon. NANCY PELOSI,
Speaker of the House, House of Representatives,
The Capitol, Washington, DC.

DEAR MADAM SPEAKER, Pursuant to Clause (1)(d) of Rule XI of the Rules of the House of Representatives, I submit the Summary of Legislative and Oversight Activities of the Committee on Transportation and Infrastructure for the 110th Congress. The purpose of this report is to provide Members of Congress, congressional staff, and the general public with an overview of the activities of the Committee.

This report is intended as a general reference tool and not as a substitute for Committee hearing records, reports, and files.

With all best wishes,

JAMES L. OBERSTAR, *Chairman.*

Enclosure.

Union Calendar No. 609

110TH CONGRESS *2d Session* } HOUSE OF REPRESENTATIVES { REPORT 110–936

SUMMARY OF LEGISLATIVE AND OVERSIGHT ACTIVITIES—COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

JANUARY 2, 2009.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. OBERSTAR, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

PROVISIONS OF THE RULES OF THE HOUSE OF REPRESENTATIVES APPLICABLE TO COMMITTEE ACTIVITIES; JURISDICTION OF THE HOUSE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

"RULE X

"ORGANIZATION OF COMMITTEES

"Committees and their legislative jurisdictions

"1. There shall be in the House the Following standing committees, each of which shall have the jurisdiction and related functions assigned by this clause and clauses 2, 3, and 4. All bills, resolutions, and other matters relating to subjects within the jurisdiction of the standing committees listed in this clause shall be referred to those committees, in accordance with clause 2 of rule XII, as follows:

"(r) Committee on Transportation and Infrastructure.

"(1) Coast Guard, including lifesaving service, lighthouses, lightships, ocean derelicts, and the Coast Guard Academy.

"(2) Federal management of emergencies and natural disasters.

"(3) Flood control and improvement of rivers and harbors.

"(4) Inland waterways.

"(5) Inspection of merchant marine vessels, lights and signals, lifesaving equipment, and fire protection on such vessels.

"(6) Navigation and laws relating thereto, including pilotage.

"(7) Registering and licensing of vessels and small boats.

"(8) Rules and international arrangements to prevent collisions at sea.

"(9) The Capitol Building and the Senate and House Office Buildings.

"(10) Construction or maintenance of roads and post roads (other than appropriations therefor).

"(11) Construction or reconstruction, maintenance, and care of buildings and grounds of the Botanic Garden, the Library of Congress, and the Smithsonian Institution.

"(12) Merchant marine (except for national security aspects thereof).

"(13) Purchase of sites and construction of post offices, customhouses, Federal courthouses, and Government buildings within the District of Columbia.

"(14) Oil and other pollution of navigable waters, including inland, coastal, and ocean waters.

"(15) Marine affairs, including coastal zone management, as they relate to oil and other pollution of navigable waters.

"(16) Public buildings and occupied or improved grounds of the United States generally.

"(17) Public works for the benefit of navigation, including bridges and dams (other than international bridges and dams).

"(18) Related transportation regulatory agencies (except the Transportation Security Administration).

"(19) Roads and the safety thereof.

"(20) Transportation, including civil aviation, railroads, water transportation, transportation safety (except automobile safety and transportation security functions of the Department of Homeland Security), transportation infrastructure, transportation labor, and railroad retirement and unemployment (except revenue measures related thereto).

"(21) Water power.

FOREWORD

At the outset of the 110th Congress, the Committee on Transportation and Infrastructure developed a legislative agenda focused on three primary objectives:

Ensuring the safety and security our nation's transportation systems and other critical infrastructure;

Investing in our nation's infrastructure to relieve congestion, ensure U.S. competitiveness, and improve the daily lives of our citizens; and

Addressing global climate change and renewing our commitment to clean water, energy independence, and environmental stewardship.

In the 110th Congress, the Committee made extraordinary progress toward achieving these objectives, including enacting landmark legislation on rail safety, Amtrak, and high-speed rail, which had languished for years; enacting the Water Resources Development Act of 2007 ("WRDA 2007") by overriding the President's veto for only the 107th time in our nation's history; enacting legislation to implement the 9/11 Commission recommendations; and enacting legislation to promote energy efficient transportation and public buildings and create incentives for the use of alternative fuel vehicles and renewable energy.

A decade after the authorization of rail safety programs expired in 1998, the Committee enacted the Rail Safety Improvement Act of 2008, which reauthorizes the rail safety program for five years, clarifies that the mission of the Federal Railroad Administration is to ensure that safety is the highest priority, requires all Class I railroads and intercity passenger and commuter railroads to install a positive train control system, reforms hours-of-service standards to provide train crews with more rest time, and enhances railroad worker training.

Six years after the authorization for Amtrak expired in 2002, the Committee enacted the Passenger Rail Investment and Improvement Act of 2008, which reauthorizes Amtrak for five years and provides the necessary funding to help bring the Northeast Corridor to a state-of-good-repair, and encourage the development and construction of high-speed rail in the United States.

After six years of working to enact a water resources development bill, the Committee enacted the Water Resources Development Act of 2007 ("WRDA 2007") by overriding the President's veto for only the 107th time in our nation's history. The Water Resources Development Act authorizes approximately $23 billion for flood damage reduction, navigation, environmental restoration, water supply, hydropower, and environmental infrastructure, including critical projects for the restoration of coastal Louisiana, the restoration of the Florida Everglades, and the restoration of the Upper Mississippi River and Illinois Waterway System. WRDA

2007 also includes important policy provisions that address concerns with the Corps' existing study, design, review, and mitigation processes.

In addition, the Committee, in cooperation with other committees, enacted the Implementing Recommendations of the 9/11 Commission Act of 2007 to address our nation's security vulnerabilities and enhance emergency management capabilities to prevent, prepare for, and respond to all hazards. The Committee also worked with other committees to enact the Energy Independence and Security Act of 2007 to promote energy efficient transportation and public buildings and create incentives for the use of alternative fuel vehicles and renewable energy.

In addition to these and many other legislative achievements, the Committee renewed its commitment to actively oversee the agencies and programs within the jurisdiction of the Committee. The Committee conducted active, in-depth investigations of its agencies and programs and found critical lapses in the Coast Guard's management of the Deepwater program, the Federal Aviation Administration's regulatory oversight and abuses of the regulatory partnership programs, the Federal Motor Carrier Safety Administration's oversight of the drug and alcohol testing program and medical oversight of commercial drivers, and the Department of Homeland Security's management of the Federal Protective Service. In total, the Committee conducted 174 hearings, including 1,245 witnesses and approximately 588 hours of testimony—the most active oversight in the Committee's storied history.

The Committee could not have achieved these extraordinary accomplishments without the bipartisan leadership and dedication of each of the Members of the Committee, particularly Ranking Member John L. Mica, and the Chairmen and Ranking Members of each of the Subcommittees. The Subcommittee Chairmen guided dozens of bills through each of their respective Subcommittees and conducted the overwhelming majority of the oversight hearings. I also thank the staff of the Committee on Transportation and Infrastructure for their dedication and expertise to carrying out the Committee's agenda.

It is with great pride and gratitude that I submit the Summary of Legislative and Oversight Activities of the Committee on Transportation and Infrastructure. This Summary highlights accomplishments that will improve the safety, security, and efficiency of our nation's transportation and infrastructure for years to come.

L. Oberstar,

Chairman,
Committee on Transportation and Infrastructure.

BILLS ENACTED INTO LAW

Public Law No.	Date enacted	Bill No.	Title
P.L. 110–13	March 21, 2007	H.R. 342	To designate the United States courthouse located at 555 Independence Street in Cape Girardeau, Missouri, as the ''Rush Hudson Limbaugh, Sr. United States Courthouse.
P.L. 110–14	March 21, 2007	H.R. 544	To designate the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the ''Santiago E. Campos United States Courthouse''.
P.L. 110–15	March 23, 2007	H.R. 584	To designate the Federal building located at 400 Maryland Avenue Southwest in the District of Columbia as the ''Lyndon Baines Johnson Department of Education Building''.
P.L. 110–16	March 28, 2007	H.R. 1129	To provide for the construction, operation, and maintenance of an arterial road in St. Louis County, Missouri.
P.L. 110–20	May 2, 2007	H.R. 753	To redesignate the Federal building located at 167 North Main Street in Memphis, Tennessee, as the ''Clifford Davis and Odell Horton Federal Building''.
P.L. 110–25	May 8, 2007	S. 521	A bill to designate the Federal building and United States courthouse and customhouse located at 515 West First Street in Duluty, Minnesota, as the ''Gerald W. Heaney Federal Building and United States Courthouse and Customhouse''.
P.L. 110–46	July 5, 2007	S. 801	A bill to designate a United States courthouse located in Fresno, California, as the ''Robert E. Coyle United States Courthouse''.
P.L. 110–53	August 3, 2007	H.R. 1	To provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States.
P.L. 110–56	August 8, 2007	H.R. 3311	To authorize additional funds for emergency repairs and reconstruction of the Interstate I–35 bridge located in Minneapolis, Minnesota, that collapsed on August 1, 2007, to waive the $100,000,000 limitation on emergency relief funds for those emergency repairs and reconstruction, and for other purposes.
P.L. 110–88	September 28, 2007	H.R. 3218	To designate a portion of Interstate Route 395 located in Baltimore, Maryland, as ''Cal Ripken Way''.
P.L. 110–114	November 9, 2007	H.R. 1495	To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.
P.L. 110–135	December 13, 2007	H.R. 4343	To amend title 49, United States Code, to modify age standards for pilots engaged in commercial aviation operations.

BILLS ENACTED INTO LAW—Continued

Public Law No.	Date enacted	Bill No.	Title
P.L. 110–139	December 18, 2007	H.R. 3315	To provide that the great hall of the Capitol Visitor Center shall be known as Emancipation Hall.
P.L. 110–140	December 19, 2007	H.R. 6	To move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers, to increase the efficiency of products, buildings, and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes.
P.L. 110–146	December 21, 2007	H.R. 2671	To designate the United States courthouse located at 301 North Miami Avenue, Miami, Florida, as the ''C. Clyde Atkins United States Courthouse''.
P.L. 110–158	December 26, 2007	H.R. 1045	To designate the Federal building located at 210 Walnut Street in Des Moines, Iowa, as the ''Neal Smith Federal Building''.
P.L. 110–159	December 26, 2007	H.R. 2011	To designate the Federal building and United States courthouse located at 100 East 8th Avenue in Pine Bluff, Arkansas, as the ''George Howard, Jr. Federal Building and United States Courthouse''.
P.L. 110–178	January 7, 2008	H.R. 3690	To provide for the transfer of the Library of Congress police to the United States Capitol Police, and for other purposes.
P.L. 110–190	February 28, 2008	H.R. 5270	To amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.
P.L. 110–244	June 6, 2008	H.R. 1195	To amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes.
P.L. 110–249	June 26, 2008	H.R. 3913	To amend the International Center Act to authorize the lease or sublease of certain property described in such Act to an entity other than a foreign government or international organization if certain conditions are met.
P.L. 110–253	June 30, 2008	H.R. 6327	To amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.
P.L. 110–262	July 15, 2008	H.R. 430	To designate the United States bankruptcy courthouse located at 271 Cadman Plaza East in Brooklyn, New York, as the 'Conrad B. Duberstein United States Bankruptcy Courthouse'.
P.L. 110–263	July 15, 2008	H.R. 781	To redesignate Lock and Dam No. 5 of the McClellan-Kerr Arkansas River Navigation System near Redfield, Arkansas, authorized by the Rivers and Harbors Act approved July 24, 1946, as the ''Colonel Charles D. Maynard Lock and Dam''.
P.L. 110–264	July 15, 2008	H.R. 2728	To designate the station of the United States Border Patrol located at 25762 Madison Avenue in Murrieta, California, as the ''Theodore L. Newton, Jr. and George F. Azrak Border Patrol Station''.

BILLS ENACTED INTO LAW—Continued

Public Law No.	Date enacted	Bill No.	Title
P.L. 110–266	July 15, 2008	H.R. 4140	To designate the Port Angeles Federal Building in Port Angeles, Washington, as the ''Richard B. Anderson Federal Building''.
P.L. 110–274	July 15, 2008	H.R. 6040	To amend the Water Resources Development Act of 2007 to clarify the authority of the Secretary of the Army to provide reimbursement for travel expenses incurred by members of the Committee on Levee Safety.
P.L. 110–276	July 15, 2008	H.R. 1019	To designate the United States customhouse building located at 31 Gonzalez Clemente Avenue in Mayaguez, Puerto Rico, as the ''Rafael Martinez Nadal United States Customhouse Building''.
P.L. 110–281	July 21, 2008	H.R. 802	To amend the Act to Prevent Pollution from ships to implement MARPOL Annex VI.
P.L. 110–282	July 23, 2008	S. 3145	A bill to designate a portion of United States Route 20A, located in Orchard Park, New York, as the ''Timothy J. Russert Highway''.
P.L. 110–284	July 23, 2008	H.R. 3712	To designate the United States courthouse located at 1716 Spielbusch Avenue in Toledo, Ohio, as the ''James M. Ashley and Thomas W.L. Ashley United States Courthouse''.
P.L. 110–288	July 30, 2008	S. 2766	To amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel.
P.L. 110–291	July 31, 2008	H.R. 3985	To amend title 49, United States Code, to direct the Secretary of Transportation to register a person providing transportation by an over-the-road bus as a motor carrier of passengers only if the person is willing and able to comply with certain accessibility requirements in addition to other existing requirements, and for other purposes.
P.L. 110–299	July 31, 2008	S. 3298	A bill to clarify the circumstances during which the Administrator of the Environmental Protection Agency and applicable States may require permits for discharges from certain vessels, and to require the Administrator to conduct a study of discharges incidental to the normal operation of vessels.
P.L. 110–311	August 13, 2008	H.R. 6340	To designate the Federal building and United States courthouse located at 300 Quarropas Street in White Plains, New York, as the ''Charles L. Brieant, Jr., Federal Building and United States Courthouse''.
P.L. 110–319	September 17, 2008	S. 2837	A bill to designate the United States courthouse located in the 225 Cadman Plaza East, Brooklyn, New York, as the ''Theodore Roosevelt United States Courthouse''.

BILLS ENACTED INTO LAW—Continued

Public Law No.	Date enacted	Bill No.	Title
P.L. 110–320	September 18, 2008	S. 2403	To designate the United States courthouse located in the 700 block of East Broad Street, Richmond, Virginia, as the ''Spottswood W. Robinson III and Robert R. Merhige, Jr., United States Courthouse''.
P.L. 110–325	September 25, 2008	S. 3406	To restore the intent and protections of the Americans with Disabilities Act of 1990.
P.L. 110–330	September 30, 2008	H.R. 6984	To amend title 49, United States Code, to extend authorizations for the airport improvement program, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.
P.L. 110–334	October 1, 2008	S. 3009	A bill to designate the Federal Bureau of Investigation building under construction in Omaha, Nebraska, as the ''J. James Exon Federal Bureau of Investigation Building''.
P.L. 110–337	October 2, 2008	S. 996	A bill to amend title 49, United States Code, to expand passenger facility fee eligibility for certain noise compatibility projects.
P.L. 110–338	October 3, 2008	H.R. 3986	To amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, and for other purposes.
P.L. 110–341	October 3, 2008	S.J. Res. 35	A joint resolution to amend Public Law 108–331 to provide for the construction and related activities in support of the Very Energetic Radiation Imaging Telescope Array System (VERITAS) project in Arizona.
P.L. 110–356	October 8, 2008	H.R. 3068	To prohibit the award of contracts to provide guard services under the contract security guard program of the Federal Protective Service to a business concern that is owned, controlled, or operated by an individual who has been convicted of a felony.
P.L. 110–359	October 8, 2008	H.R. 5001	To authorize the Administrator of General Services to provide for the redevelopment of the Old Post Office Building located in the District of Columbia.
P.L. 110–364	October 8, 2008	H.R. 6370	To transfer excess Federal property administered by the Coast Guard to the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians.
P.L. 110–365	October 8, 2008	H.R. 6460	To amend the Federal Water Pollution Control Act to provide for the remediation of sediment contamination in areas of concern, and for other purposes.
P.L. 110–371	October 8, 2008	S. 496	To reauthorize and improve the program authorized by the Appalachian Regional Development Act of 1965.
P.L. 110–375	October 8, 2008	S. 2482	A bill to repeal the provision of title 46, United States Code, requiring a license for employment in the business of salvaging on the coast of Florida.

BILLS ENACTED INTO LAW—Continued

Public Law No.	Date enacted	Bill No.	Title
P.L. 110–405	October 13, 2008	S. 3536	To amend section 5402 of title 39, United States Code, to modify the authority relating to United States Postal Service air transportation contracts, and for other purposes.
P.L. 110–407	October 13, 2008	S. 3598	To amend titles 46 and 18, United States Code, with respect to the operation of submersible vessels and semi-submersible vessels without nationality.
P.L. 110–427	October 15, 2008	H.R. 6524	To authorize the Administrator of General Service to take certain actions with respect to parcels of real property located in Eastlake, Ohio, and Koochiching County, Minnesota, and for other purposes.
P.L. 110–432	October 16, 2008	H.R. 2095	An Act to amend title 49, United States Code, to prevent railroad fatalities, injuries, and hazardous materials releases, to authorize the Federal Railroad Safety Administration, and for other purposes
P.L. 110–441	October 21, 2008	H.R. 4131	To designate a portion of California State Route 91 located in Los Angeles County, California, as the ''Juanita Millender-McDonald Highway''.

COMMITTEE BILLS AND RESOLUTIONS THAT PASSED THE HOUSE BUT NOT ACTED ON BY THE SENATE

Bill Number	Title	Passed the House
H. Con. Res. 187	Expressing the sense of Congress regarding the dumping of industrial waste into the Great Lakes.	7/25/2007
H. Con. Res. 305	Recognizing the importance of bicycling in transportation and recreation.	5/21/2008
H. Con. Res. 408	Recognizing North Platte, Nebraska, as ''Rail Town USA''	9/18/2008
H.R. 123	To authorize appropriations for the San Gabriel Basin Restoration Fund.	12/11/2007
H.R. 187	To designate the Federal building and United States courthouse and customhouse located at 515 West First Street in Duluth, Minnesota, as the ''Gerald W. Heaney Federal Building and United States Courthouse and Customhouse''.	2/7/2007
H.R. 399	To designate the United States Courthouse to be constructed in Jackson, Mississippi, as the ''R. Jess Brown United States Courthouse''.	3/6/2007
H.R. 409	To amend title 23, United States Code, to direct the Secretary of Transportation to establish national tunnel inspection standards for the proper safety inspection and evaluation of all highway tunnels, and for other purposes.	1/22/2008
H.R. 429	To designate the United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the ''Hugh L. Carey United States Courthouse''.	3/13/2007
H.R 478	To designate the Federal building and United States courthouse located at 101 Barr Street in Lexington, Kentucky, as the ''Scott Reed Federal Building and United States Courthouse''.	3/13/2007
H.R. 494	To provide for the conditional conveyance of any interest retained by the United States in St. Joseph Memorial Hall in St. Joseph, Michigan.	2/27/2007
H.R. 569	To amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants.	3/7/2007
H.R. 700	To amend the Federal Water Pollution Control Act to extend the pilot program for alternative water source projects.	3/8/2007

COMMITTEE BILLS AND RESOLUTIONS THAT PASSED THE HOUSE BUT NOT ACTED ON BY THE SENATE—Continued

Bill Number	Title	Passed the House
H.R. 720	To amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes.	3/9/2007
H.R. 735	To designate the Federal building under construction at 799 First Avenue in New York, New York, as the ''Ronald H. Brown United States Mission to the United Nations Building''.	7/30/2007
H.R. 798	To direct the Administrator of General Services to install a photovoltaic system for the headquarters building of the Department of Energy.	2/12/2007
H.R. 799	To reauthorize and improve the program authorized by the Appalachian Regional Development Act of 1965.	7/16/2007
H.R. 1036	To authorize the Administrator of General Services to convey a parcel of real property to the Alaska Railroad Corporation.	5/15/2007
H.R. 1138	To designate the Federal building and United States courthouse located at 306 East Main Street in Elizabeth City, North Carolina, as the ''J. Herbert W. Small Federal Building and United States Courthouse''.	3/26/2007
H.R. 1227	To assist in the provision of affordable housing to low-income families affected by Hurricane Katrina.	3/21/2007
H.R. 1333	To amend the Homeland Security Act of 2002 to direct the Secretary to enter into an agreement with the Secretary of the Air Force to use Civil Air Patrol personnel and resources to support Homeland Security missions.	6/18/2008
H.R. 1401	To improve the security of railroads, public transportation, and over-the-road buses in the United States, and for other purposes.	3/27/2007
H.R. 1505	To designate the United States courthouse located at 131 East 4th Street in Davenport, Iowa, as the ''James A. Leach Federal Building''.	5/15/2007
H.R. 1684	To authorize appropriations for the Department of Homeland Security for fiscal year 2008, and for other purposes.	5/9/2007
H.R. 1773	To limit the authority of the Secretary of Transportation to grant authority to motor carriers domiciled in Mexico to operate beyond United States municipalities and commercial zones on the United States-Mexico border.	5/15/2007
H.R. 1922	To designate the Jupiter Inlet Lighthouse and the surrounding Federal land in the State of Florida as an Outstanding Natural Area and as a unit of the National Landscape System, and for other purposes.	3/4/2008
H.R. 2452	To amend the Federal Water Pollution Control Act to ensure that sewage treatment plants monitor for and report discharges of raw sewage, and for other purposes.	6/23/2008
H.R. 2537	To amend the Federal Water Pollution Control Act relating to beach monitoring, and for other purposes.	4/16/2008
H.R. 2722	To restructure the Coast Guard Integrated Deepwater Program, and for other purposes.	7/31/2007
H.R. 2830	To authorize appropriations for the Coast Guard for fiscal year 2008, and for other purposes.	4/24/2008
H.R. 2881	To amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.	9/20/2007
H.R. 3195	To restore the intent and protections of the Americans with Disabilities Act of 1990.	6/25/2008
H.R. 3224	To amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams.	10/29/2007

COMMITTEE BILLS AND RESOLUTIONS THAT PASSED THE HOUSE BUT NOT ACTED ON BY THE SENATE—Continued

Bill Number	Title	Passed the House
H.R. 3246	To amend title 40, United States Code, to provide a comprehensive regional approach to economic and infrastructure development in the most severely economically distressed regions in the Nation.	10/4/2007
H.R. 3247	To improve the provision of disaster assistance for Hurricanes Katrina and Rita, and for other purposes.	10/29/2007
H.R. 3248	To amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes.	8/1/2007
H.R. 3495	To establish a National Commission on Children and Disasters, a National Resource Center on Children and Disasters, and for other purposes.	11/6/2007
H.R. 3540	To amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund.	9/24/2007
H.R. 3999	To amend title 23, United States Code, to improve the safety of Federal-aid highway bridges, to strengthen bridge inspection standards and processes, to increase investment in the reconstruction of structurally deficient bridges on the National Highway System, and for other purposes.	7/24/2008
H.R. 5492	To authorize the Board of Regents of the Smithsonian Institution to construct a greenhouse facility at its museum support facility in Suitland, Maryland, and for other purposes.	3/11/2008
H.R. 5599	To designate the Federal building located at 4600 Silver Hill Road in Suitland, Maryland, as the ''Thomas Jefferson Census Bureau Headquarters Building''.	6/4/2008
H.R. 6003	To reauthorize Amtrak, and for other purposes	6/11/2008
H.R. 6052	To promote increased public transportation use, to promote increased use of alternative fuels in providing public transportation, and for other purposes.	6/26/2008
H.R. 6109	To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the pre-disaster hazard mitigation program, and for other purposes.	6/23/2008
H.R. 6493	To amend title 49, United States Code, to enhance aviation safety.	7/22/2008
H.R. 6627	To authorize the Board of Regents of the Smithsonian Institution to carry out certain construction projects, and for other purposes.	9/17/2008
H.R. 6630	To prohibit the Secretary of Transportation from granting authority to a motor carrier domiciled in Mexico to operate beyond United States municipalities and commercial zones on the United States-Mexico border unless expressly authorized by Congress.	9/9/2008
H.R. 6899	To advance the national security interests of the United States by reducing its dependency on oil through renewable and clean, alternative fuel technologies while building a bridge to the future through expanded access to Federal oil and natural gas resources, revising the relationship between the oil and gas industry and the consumers who own those resources and deserve a fair return from the development of publicly owned oil and gas, ending tax subsidies for large oil and gas companies, and facilitating energy efficiencies in the building, housing, and transportation sectors, and for other purposes.	9/16/2008
H.R. 6999	To restructure the Coast Guard Integrated Deepwater Program, and for other purposes.	9/27/2008

CONCURRENT RESOLUTION APPROVED BY BOTH CHAMBERS

Resolution Number	Title	Date of Passage—House	Date of Passage—Senate
H. Con. Res. 79	Authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby	5/15/2007	5/16/2007
H. Con. Res. 123	Authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run	5/15/2007	5/16/2007
H. Con. Res. 124	Authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service	5/7/2007	5/8/2007
H. Con. Res. 196	Authorizing the use of the rotunda and grounds of the Capitol for a ceremony to award the Congressional Gold Medal to Tenzin Gyatso, the Fourteenth Dalai Lama.	9/4/2007	9/5/2007
H. Con. Res. 308	Authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service	5/1/2008	5/2/2008
H. Con. Res. 309	Authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run	5/21/2008	6/3/2008
H. Con. Res. 311	Authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby	6/4/2008	6/5/2008
H. Con. Res. 335	Authorizing the use of the Capitol Grounds for a celebration of the 100th anniversary of Alpha Kappa Alpha Sorority, Incorporated.	6/4/2008	6/20/2008

SENATE BILLS AND RESOLUTIONS REFERRED TO THE COMMITTEE BUT NOT ACTED UPON

Bill Number	Title	Date of Senate Passage	Date of Referral
S. 775	To establish a National Commission on the Infrastructure of the United States	8/2/2007	8/3/2007

COMMITTEE VIEWS AND ESTIMATES REPORTS

Pursuant to section 301(d) of the Congressional Budget Act and clause 4(f) of Rule X of the Rules of the House of Representatives, the Committee submitted its Views and Estimates Reports to the Committee on the Budget for fiscal years 2008 and 2009 on March 1, 2007, and February 28, 2008, respectively.

These reports, intended to provide the Budget Committee with an early and comprehensive indication of the Committee's legislative plans, contained estimates of the new budget authority to be authorized in legislation under the Committee's jurisdiction which would become effective during the next fiscal year.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
PUBLIC LAWS

Full Committee

The Full Committee chapter of the Summary of Legislative and Oversight Activities of the Committee on Transportation and Infrastructure only includes public laws which involve the jurisdiction of more than one subcommittee. Other public laws are included in the appropriate subcommittee chapters of this report.

IMPLEMENTING THE 9/11 COMMISSION RECOMMENDATIONS ACT OF 2007

Public Law 110–53

(H.R. 1)

August 3, 2007

The Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110–53) fully implements the recommendations set forth in the 9/11 Commission Report. The Act addresses our nation's security vulnerabilities as well as enhances emergency management capabilities to prevent, prepare for, and respond to all hazards. This Act contains numerous provisions within the jurisdiction of the Committee on Transportation and Infrastructure.

AVIATION

Improving Passenger and Cargo Screening

The 9/11 Commission recommended improvements to airline passenger pre-screening; better airline screening checkpoints to detect explosives; and enhancements to checked bag and cargo screening. Title XVI of the Act implements these recommendations by requiring the Department of Homeland Security ("DHS") to: establish a system to screen 100 percent of cargo transported on passenger aircraft, within three years; provide grants for specified airport security improvement projects including in-line baggage screening deployment; issue a strategic plan, originally due in 2005, to deploy explosive detection equipment at airports to screen individuals and baggage, and begin full implementation of the strategic plan within one year; develop and implement a program to acquire, maintain, and replace blast-resistant cargo containers and make such containers available to air carriers by July 1, 2008, based on risk; and advance research and development for technology to prevent terrorist acts against civil aviation, including by establishing a grant program to fund pilot projects to deploy such technology.

This Act also prohibits the Administrator of the Federal Aviation Administration from certifying any new foreign repair station if the

Transportation Security Administration does not issue regulations within one year governing foreign repair station security. The regulations were required by prior law to be issued by August 2004.

COAST GUARD AND MARITIME TRANSPORTATION

Ensuring 100 Percent Container Scanning

Title XVII requires scanning of all containers, by nonintrusive imaging and radiation detection equipment, before such containers are loaded on a vessel in a foreign port, in order to be able to enter the United States. The deadline for implementation is July 1, 2012, but the Secretary of Homeland Security can extend the deadline in two-year increments. This provision requires full-scale implementation of a container scanning pilot program established by the SAFE Port Act of 2006, which applied to three foreign seaports. This section also requires the Secretary of Homeland Security to issue an interim rule to establish minimum standards and procedures for securing containers in transit to the United States by April 1, 2008. If the Secretary fails to meet that deadline, all containers in transit to the United States must meet existing international standards for sealing containers until a final rule is issued.

ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS, AND EMERGENCY MANAGEMENT

Increased Funding for Emergency Management Performance Grants

States and local governments rely on the Emergency Management Performance Grant program ("EMPG") to build their capability to prepare for, respond to, recover from, and mitigate all hazards. Prior to enactment of this Act, the EMPG program received only one tenth of the amount of funding allocated to terrorism preparedness programs, despite the ongoing need. Title II significantly boosts funding for the EMPG program, authorizing a total of nearly $3.4 billion for fiscal years 2008 through 2012, while directing the Federal Emergency Management Agency ("FEMA") to continue distributing funds to States based on population. This provision also affirms that the EMPG program is authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act, which maintains the structure and purpose of this longstanding program.

Strengthening the Incident Command System

The 9/11 Commission Report recommended that emergency response agencies nationwide adopt the Incident Command System ("ICS"), a standard, on-scene, all-hazards incident management system. DHS incorporated many principals from ICS into the National Incident Management System in 2004. However, problems with the use of ICS during a statewide or regional catastrophe became evident in the response to Hurricane Katrina, some of which were addressed in the Post Katrina Emergency Management Reform Act of 2006 (P.L. 109–295). Title IV further strengthens the use of ICS, including provisions specifically related to credentialing and typing, or using a common naming system to classify the capabilities or attributes of personnel and equipment is critical to ensure that the proper resources are deployed in response to an incident. This Act requires Federal agencies to credential and type per-

sonnel and resources available in response to a disaster; directs FEMA to maintain a database of these personnel and resources; and requires FEMA to issue guidance to Federal, state, local, and tribal governments on credentialing and typing. The Act and accompanying report clarify that access to disaster areas is the responsibility of state and local governments.

Enhancing Private Sector Preparedness

The 9/11 Commission Report recognized the private sector as a critical element in ensuring the nation's preparedness: "Private-sector preparedness is not a luxury; it is a cost of doing business in the post-9/11 world. It is ignored at a tremendous potential cost in lives, money, and national security." Title IX of the Act permits FEMA and the Assistant Secretary for Infrastructure Protection to develop recommendations and identify best practices to be taken by the private sector to foster preparedness, and requires the establishment of a voluntary private sector preparedness accreditation and certification program. The Secretary of Homeland Security has designated the Administrator of FEMA to administer this program.

Prioritizing the Vulnerabilities of Critical Infrastructure

The presence of critical infrastructure within a State and its probable vulnerability to attack was recognized by the 9/11 Commission as an important element in determining the State's overall risk and subsequent security funding needs. Although the Secretary of Homeland Security has the responsibility to conduct vulnerability assessments pursuant to the Homeland Security Act of 2002, the Commission criticized DHS for not setting national priorities with respect to critical infrastructure. Title X addresses this concern by requiring the Secretary to maintain a prioritized critical infrastructure list and to provide a report on the comprehensive risk assessments of critical infrastructure conducted by DHS.

SURFACE TRANSPORTATION

The 9/11 Commission Report recommended that the Federal Government "should identify and evaluate the transportation assets that need to be protected, set risk-based priorities for defending them, select the most practical and cost-effective ways of doing so, and then develop a plan, budget, and funding to implement the effort." This Act addresses this recommendation and the security needs of public transportation, rail, and over-the-road bus systems.

Strengthening Public Transportation, Rail, Bus, and Truck Security

Titles XIV and XV of the Act:

Require DHS to complete a nationwide risk assessment of a terrorist attack on railroad carriers and develop and implement a National Strategy for Railroad Transportation Security and a National Strategy for Public Transportation Security;

Mandate that all public transportation agencies, railroad carriers, and over-the-road bus operators at high risk for terrorism undergo an assessment of the vulnerability of their infrastructure and operations to terrorism, and prepare and implement a security plan;

Establish three separate security grant programs for carriers to implement specific vulnerabilities identified in their security plans:

$3.4 billion for FY 2008–2011 for eligible transit systems;

$1.2 billion for FY 2008–2011 for eligible railroad carriers; and

$87 million for FY 2008–2011 for eligible over-the-road bus operators;

Authorize $650 million for grants to Amtrak for system-wide security upgrades and $200 million for grants to Amtrak for tunnel improvements;

Authorize annual funding through FY 2011 for a security research and development programs dedicated to public transportation, rail, and over-the-road bus transportation;

Require DHS to establish a program for security exercises at public transportation systems, railroad systems, and over-the-road bus systems, and requires security training for employees of transit agencies, rail carriers, and over-the-road bus operators;

Establish strong whistleblower protections for transit, rail, and bus employees, and requires such employees, or employees of contractors, to undergo a security background check;

Require DHS to conduct a comprehensive assessment of the risk of terrorist attack on the nation's school bus transportation system; and

Require DHS to submit a report to Congress on the status of security in the trucking industry and requires an audit by the Inspector General on the Highway Watch program.

Advancing Hazardous Materials and Pipeline Security

This Act also includes several provisions to address vulnerabilities related to hazardous materials transportation including: requiring physical testing of rail cars used to transport highly toxic chemicals material; evaluating the security risks of transportation routes of security sensitive materials; equipping rail cars transporting high hazard materials with communications technology; documenting existing highway routes for hazardous materials transported by truck; and tracking technologies for motor carrier shipments of certain security-sensitive hazardous materials. The Act also addresses pipeline security by requiring DHS to develop a pipeline security and incident recovery protocols plan, to review pipeline operators' security plans, and to inspect the 100 most critical pipeline operators.

Improving Transportation Security Planning and Information Sharing

The 9/11 Commission observed that while DHS had developed a National Strategy for Transportation Security ("Strategy"), it lacked the necessary detail to make it a useful tool. Title XII of the Act directs DHS to include additional information, as specified in the legislation, in subsequent submissions of the Strategy to Congress; requires DHS to tie the priorities identified in the Strategy to risk assessments conducted by DHS; and requires DHS to link

its budget submissions to such priorities. The Act also requires DHS to develop a Transportation Security Information Sharing Plan and to provide a semiannual report to Congress identifying recipients of transportation security information.

ENERGY INDEPENDENCE AND SECURITY ACT OF 2007

Public Law 110–140

(H.R. 6)

(See also H.R. 2701 and H.R. 3221)

December 19, 2007

The Energy Independence and Security Act of 2007 (P.L. 110–140) promotes energy efficient transportation and public buildings, and creates incentives for the use of alternative fuel vehicles and renewable energy. This Act contains numerous provisions within the jurisdiction of the Committee on Transportation and Infrastructure.

COAST GUARD AND MARITIME TRANSPORTATION

Prohibition of Incandescent Lamps by Coast Guard

Title V, Subtitle C prohibits the purchase or installation of incandescent lamps in a Coast Guard facility by or on behalf of the Coast Guard except where such lamp is specifically necessary.

Short Sea Shipping

Title XI, Subtitle C requires the Secretary of Transportation to establish a short sea transportation program and to designate short sea transportation projects to mitigate landside congestion. This subtitle also requires the Secretary to designate short sea transportation routes as extensions of the surface transportation system to relieve landside congestion along coastal routes. The Secretary will designate projects if the project offers a waterborne alternative to available landside transportation and provide for transportation services for passengers or freight (or both) that may reduce congestion. The subtitle requires the Secretary to develop, in consultation with other Federal agencies and state and local governments, strategies to encourage the use of short sea transportation of passengers and cargo and to encourage state departments of transportation to develop strategies to incorporate short sea transportation and other marine transportation solutions into their regional and interstate transportation plans. Subtitle C also amends the Capital Construction Fund ("CCF") program so that vessels engaged in short sea transportation are eligible to participate in this program. CCF is a tax deferral program that allows a vessel owner to deposit funds into the account and defers the taxation on the earnings in the account if the owner uses the funds to build a vessel for short sea transportation. The deferred taxation is recaptured by decreasing the depreciable base of the vessel by the amount of CCF funds used to purchase the vessel.

ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS, AND EMERGENCY MANAGEMENT

FEDERAL BUILDING ENERGY EFFICIENCY

Section 323 amends section 3307(b) of the Public Buildings Act (40 U.S.C. 601–619) by inserting new paragraph (7). The paragraph requires the Administrator of General Services to include in any prospectus of a proposed facility being transmitted to Congress for approval an estimate of future energy performance of the building or space and a specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems. This section also authorizes the Administrator of General Services to include minimum performance requirements requiring energy efficiency and use of renewable energy in leased space. In addition, section 323 directs the Administrator of General Services to equip each public building significantly altered or constructed, to the maximum extent practicable, with lighting fixtures and bulbs that are energy efficient. This section directs the Administrator of General Services in normal routine maintenance to replace lighting fixtures or bulbs with energy efficient lighting fixtures and bulbs. Finally, this section amends section 3310 of the Public Buildings Act by inserting a new section 3 that authorizes the Administrator of General Services to include in any solicitation for a lease requiring a prospectus required under section 3307 of title 40 an evaluation factor that considers the extent to which the offeror will promote energy efficiency and use renewable energy.

Title IV, Subtitle B amends the National Energy Conservation Policy Act ("NECPA") to set forth specific energy reduction goals for Federal buildings for FY 2006 through FY 2015 and requires Federal agencies to designate an energy manager to reduce facility energy use. This subtitle also establishes specific goals to reduce fossil fuel consumption by Federal buildings. In addition, Subtitle B directs the Administrator of General Services to establish an Office of Federal High-Performance Green Buildings within GSA and requires the Director of the Office to implement a "green building" certification system. Finally, this subtitle amends the National Energy Conservation Policy Act by extending the life-cycle cost calculation period from 25 years to 40 years.

Title V, Subtitle C directs the Administrator of General Services to install a photovoltaic system for the headquarters building of the Department of Energy located at 1000 Independence Avenue, SW., in Washington, DC. This subtitle also directs the Secretary of Energy to establish Federal building energy efficiency performance standards that require at least 30 percent of the hot water demand for each new Federal building or major renovation of a Federal building to be met through the installation and use of solar hot water heaters.

U.S. Capitol Complex Energy Efficiency

Title V, Subtitle A authorizes the Architect of the Capitol to perform a feasibility study regarding construction of photovoltaic roof on the Rayburn House Office Building and the Hart Senate Office Building. This subtitle also authorizes the Architect of the Capitol to construct a fuel tank and pumping system for E–85 fuel at or

within close proximity to the Capitol Grounds Fuel Station. In addition, Subtitle A authorizes the Architect of the Capitol, to the maximum extent practicable, to include energy efficient measures, climate change mitigation measures, and other appropriate environmental measures in the Capitol Complex Master Plan. Finally, this subtitle authorizes the Architect of the Capitol, for the purposes of reducing carbon dioxide emissions, to install technologies for the capture and storage or use of carbon dioxide emitted from the Capitol power plant as a result of burning coal.

HIGHWAYS AND TRANSIT

Center for Climate Change and Environment

Section 1101 authorizes the Department of Transportation's Center for Climate Change and Environment to plan, coordinate, and implement Department-wide research, strategies, and actions to reduce transportation-related energy use and mitigate the effects of climate change. This section requires the Center to establish a clearinghouse to identify and track low-cost solutions to reducing transportation-related energy use, greenhouse gas emissions, and mitigate the effects of climate change.

Congestion Mitigation and Air Quality Improvement Program Incentives

Section 1131 increases the Federal commitment to congestion mitigation and air quality improvement projects by increasing the Federal share for grants under the Congestion Mitigation Air Quality ("CMAQ") program from 80 percent under current law to 100 percent of the net project cost. The section will assist regions in complying with the Clean Air Act and reducing transportation-related emissions.

Section 1132 requires States to implement future rescissions of unobligated Federal-Aid Highway program contract authority proportional to the programmatic allocation received in a given fiscal year, if there is unobligated contract authority available to meet the rescission requirements. States have chosen to apply pervious rescissions disproportionately to cut contract authority for the Congestion Mitigation and Air Quality Improvement ("CMAQ") program and Transportation Enhancement program funds. Both of these programs provide significant environmental benefits.

"Complete Streets" Design

Section 1133 encourages state and local governments to employ "complete streets" policies. Complete streets are streets designed to accommodate all users of a variety of modes of transportation, including environmentally friendly options such as public transit, walking, and bicycling.

RAILROADS, PIPELINES, AND HAZARDOUS MATERIALS

Ethanol Transportation Studies

Section 243 directs the Secretary of Energy, in coordination with the Secretary of Transportation, to conduct feasibility studies for the construction of pipelines dedicated to the transportation of ethanol. The study includes consideration of the barriers to con-

structing pipelines dedicated to the transportation of ethanol; market risk; regulatory, and financing options that would mitigate any risk; methods to ensure safe transportation of ethanol and preventive measures to ensure pipeline integrity; and other factors the Secretary of Energy considers appropriate. This section authorizes appropriations of $1 million for each of fiscal years 2008 and 2009 to carry out this section. Section 245 directs the Secretary of Energy, in coordination with the Secretary of Transportation, to jointly conduct a study of the adequacy of transportation of domestically-produced renewable fuels by railroad and other modes of transportation as designated by the Secretaries.

Green Locomotive Grant Pilot Program

Section 1111 requires the Secretary to establish a competitive grant program to incentivize railroad carriers and state and local governments to purchase hybrid and other energy-efficient locomotives, including hybrid switch and generator-set locomotives. The section authorizes $10 million for each of fiscal years 2008 through 2011 to carry out this program.

Regional and Shortline Railroad Grant Program

Section 1112 directs the Secretary of Transportation to establish a capital grant program to assist regional and short line railroads in rehabilitating, preserving, or improving railroad track used primarily for the safe and efficient transportation of freight traffic. This section authorizes $50 million for each of fiscal years 2008 through 2011 to carry out this capital grant program.

FOOD, CONSERVATION, AND ENERGY ACT OF 2008

Public Law 110–234

(H.R. 2419/H.R. 6124)

May 22, 2008

The Food, Conservation, and Energy Act of 2008 (P.L. 110–234) contains several provisions within the jurisdiction of the Committee on Transportation and Infrastructure.

ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS, AND EMERGENCY MANAGEMENT

Section 6025 of the Act reauthorizes the Delta Regional Authority ("DRA") through fiscal year 2012 at current levels, and adds 12 additional counties to be eligible for assistance in Louisiana and Mississippi.

Section 6026 of the Act reauthorizes the Northern Great Plains Regional Authority ("NGPRA") through fiscal year 2012 at current levels, and makes several changes to the Commission's structure.

Section 14217 authorizes three new regional development commissions: the Northern Border Regional Commission, the Southeast Crescent Regional Commission, and the Southwest Border Regional Commission. These Commissions are authorized through fiscal year 2012, at $30 million per year for each Commission. The Act places these three commissions under one unified administration and

management structure, as modeled after the Appalachian Regional Commission ("ARC").

WATER RESOURCES AND ENVIRONMENT

Section 2605 directs the Secretary of Agriculture to assist in the implementation of conservation activities on agricultural lands in the Chesapeake Bay watershed through a new Chesapeake Bay Program for Nutrient Reduction and Sediment Control program. Section 2803 reauthorizes appropriations for the Natural Resources Conservation Service Small Watershed Rehabilitation Program through fiscal year 2012 at $100 million per year.

ADA AMENDMENTS ACT OF 2008

Public Law 110–325

(S. 3406)

September 25, 2008

The ADA Amendments Act of 2008 (P.L. 110–325) ensures the full implementation of the protections enacted by Congress in the Americans with Disabilities Act ("ADA") of 1990 and provides a clear and comprehensive national mandate for the elimination of discrimination on the basis of disability.

The Act amends the definition of disability to clarify the intent of Congress in light of several opinions of the U.S. Supreme Court that have narrowed the definition of disability. The Act retains the original three prongs of the definition of disability: a physical or mental impairment that substantially limits one or more life activities; a record of such impairment; or being regarded as having such impairment. However, it clarifies the intent of several elements of the definition.

Among other provisions, the Act prohibits the consideration of mitigating measures, such as medication, assistive technology, accommodations, and modifications, in determining whether an impairment substantially limits a major life activity. The Act also provides that the definition of disability shall be construed broadly.

Entities covered under the ADA will not be required to provide reasonable accommodations or reasonable modifications to policies and procedures for individuals who meet the definition of disability only because they are "regarded as having an impairment."

This Act clarifies that the three agencies that currently issue regulations under the ADA, including the Department of Transportation, have regulatory authority related to the definitional amendments made by this Act.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

Public Law 110–181

(H.R. 4986)

(See also H.R. 1585, vetoed by the President on December 28, 2007)

January 28, 2008

The National Defense Authorization Act for Fiscal Year 2008 was signed into law on January 28, 2008. This Act contains several provisions within the jurisdiction of the Committee on Transportation and Infrastructure.

AVIATION

Section 1064 of the Act repeals section 1063 of the National Defense Authorization Act for FY 2006 (P.L. 109–163) and reaffirms state procurement authority over the Abraham Lincoln National Airport Commission, University Park, Illinois, and removes restrictive representation requirements for who may serve on the airport board. Section 378 extends the war risk insurance program from March 30, 2008, to December 31, 2013. Section 1078 requires the Federal Aviation Administration ("FAA") to regulate the safety of certain aviation services provided under contract to the Department of Defense ("DOD").

COAST GUARD AND MARITIME TRANSPORTATION

Section 521 of the Act makes members of the Ready Reserve eligible for tuition assistance, and requires the Secretary of Defense to conduct a study on the tuition assistance program. Section 2845 authorizes a land exchange between the city of Detroit and the United States Coast Guard. Section 3511 amends the commercial vessel chartering rules applicable to the Secretary of Transportation and expands the Secretary's authority to purchase, charter, operate or otherwise acquire a vessel "as the Secretary deems appropriate", which allows leases for longer periods of time than the 18 months allowable under current law. Section 3521 clarifies that the Jones Act permits a seaman to pursue his claim against his employer wherever the employer does business.

ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS, AND EMERGENCY MANAGEMENT

Section 2708 allows the Administrator of General Services to transfer 69.5 acres of real property, including warehouse facilities, in Springfield, Virginia to the Secretary of the Army, in the context of relocation of members of the Armed Forces and DOD civilian employees to Fort Belvoir.

WATER RESOURCES AND ENVIRONMENT

Section 311 authorizes the Secretary of Defense to transfer to the Environmental Protection Agency funds to reimburse the Environmental Protection Agency ("EPA") for costs incurred in connection with the former Larson Air Force Base, Moses Lake Superfund

Site, Moses Lake, Washington. Section 312 authorizes the Secretary of Defense to transfer to EPA funds to reimburse EPA for costs incurred in connection with the Arctic Surplus Superfund Site, Fairbanks, Alaska. Section 313 authorizes the Secretary of the Navy to contribute funds to the Superfund Trust Fund as a stipulated penalty assessed by the EPA against the Jackson Park Housing Complex, Washington. Section 2875 directs the Corps of Engineers to assume operation and maintenance responsibilities for a flood control project located within the city of Woonsocket, RI from the non-Federal sponsor.

DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

Public Law 110–417

(S. 3001)

October 14, 2008

The Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (P.L. 110–417) contains several provisions within the jurisdiction of the Committee on Transportation and Infrastructure.

AVIATION

Section 2854 prohibits the airfield property located at NASJRB Willow Grove from being used for commercial passenger and cargo aircraft operations, as a reliever airport due to congestion at other airports, or as a general aviation airport.

COAST GUARD AND MARITIME TRANSPORTATION

Section 601 authorizes a pay raise for the members of the uniformed services, including the United States Coast Guard, of 3.9 percent effective on January 1, 2009. Section 619 amends section 353 of title 37, United States Code, to authorize a skill proficiency bonus of up to $12,000 annually to a member enrolled in an officer training program, which affects Coast Guard officers. Section 881 clarifies that the Secretary of Homeland Security can issue regulations governing the registration and licensing of trademarks owned and controlled by the Coast Guard and gives the Department of Homeland Security the ability to retain fees from licensing of intellectual property.

HIGHWAYS AND TRANSIT

Section 3512 creates a Port of Guam Improvement Enterprise Program to provide for the planning, design, and construction of projects for the Port of Guam to improve facilities, relieve congestion, and provide greater access to facilities. This section includes a limitation that highway project funds provided to Guam under title 23, United States Code, are not eligible to be transferred to the Port of Guam Improvement Enterprise Fund. Section 2814 amends Section 210 of title 23, the Defense Access Roads program, and requires the Secretary of Defense to conduct a transportation

needs assessment if an action of the Department of Defense will cause a significant transportation impact.

WATER RESOURCES AND ENVIRONMENT

Section 312 authorizes the Secretary of Defense to transfer funds to reimburse the Environmental Protection Agency for its costs in overseeing a remedial investigation and feasibility study at the former Larson Air Force Base, Moses Lake Superfund Site, in Washington. Section 1067 amends section 101(a)(1) of the Water Resources Development Act of 2000 (related to the project for hurricane and storm damage reduction, Barnegat Inlet to Little Egg Inlet, New Jersey) to direct the Secretary of the Army to handle, at Federal expense, munitions located on the beach during section construction of the project. Section 2811 changes Department of Defense reporting requirements to require DOD to report to Congress on real property transactions associated with "Army civil works water resource development projects".

Aviation

FAIR TREATMENT FOR EXPERIENCED PILOTS ACT

Public Law 110–135

(H.R. 4343)

December 13, 2007

The Fair Treatment for Experienced Pilots Act (P.L. 110–135) changes FAA regulations that require pilots to retire at age 60. The law allows pilots to serve in a multi-crew part 121 operation until age 65. On international flights, pilots over the age of 60 may pilot the plane only if there is another pilot in the flight deck crew who is under age 60, in accordance with current International Civil Aviation Organization ("ICAO") standards.

This law does not apply to any person who has attained 60 years of age before the date of enactment of this section unless the person was, on the date of enactment, a required flight crew member (i.e., a pilot, co-pilot, or flight engineer) or such person was hired by an air carrier as a pilot on or after enactment date without credit for prior seniority or benefits under any labor agreement or employment policies of the air carrier. In addition, the law requires pilots over the age of 60 to: (1) have a first-class medical certificate renewed every six months; (2) continue to participate in FAA pilot training and qualification programs administered by the air carrier to ensure continued acceptable levels of pilot skill and judgment; and (3) be administered a line check every six months. However, for pilots serving as second in command, if he or she received and passed a simulator check during that same six-month period, a line check during that period need not be conducted. Moreover, the law requires the Government Accountability Office ("GAO") to provide a report to congressional committees of jurisdiction concerning the effect, if any, on aviation safety because of the change in pilot age standards.

AIRPORT AND AIRWAY EXTENSION ACT OF 2008

Public Law 110–190

(H.R. 5270)

February 28, 2008

The previous long-term FAA reauthorization act, Vision 100—Century of Aviation Reauthorization Act (P.L. 108–76), expired on September 30, 2007. On September 20, 2007, the House passed H.R. 2881, the "FAA Reauthorization Act of 2007", to reauthorize FAA programs for FY 2008–FY 2011. Given that the Senate did not complete action on the legislation, a short-term extension was necessary. Initially, aviation program funding, aviation excise taxes, and the FAA's authority to make expenditures from the Airport and Airway Trust Fund ("Aviation Trust Fund") were extended from October 1, 2007, through December 31, 2007, by a series of continuing appropriations resolutions. See P.L. 110–92, P.L. 110–116, P.L. 110–137, and P.L. 110–149. The FY 2008 Consolidated Appropriations Act (P.L. 110–161) further extended the aviation taxes and the Aviation Trust Fund expenditure authority through February 29, 2008, and provided funding for most FAA programs through the remainder of FY 2008. However, the FY 2008 Consolidated Appropriations Act did not extend the FAA's Airport Improvement Program ("AIP").

P.L. 110–190 extends aviation programs and taxes for four months, from February 29, 2008, through June 30, 2008. It provides extensions of: (1) contract and expenditure authority from the Aviation Trust Fund for the AIP; and (2) aviation excise and fuel taxes. To allow aviation programs to continue under the same terms and conditions as were in effect during the previous authorization period, the law extends several other provisions of Vision 100, including the government share of AIP costs; and provisions relating to eligibility for essential air service ("EAS") compensation.

FAA EXTENSION ACT OF 2008

Public Law 110–253

(H.R. 6327)

June 30, 2008

The FAA Extension Act of 2008 (P.L. 110–253) extends aviation programs and taxes for three months, from June 30, 2008, through September 30, 2008. It provides extensions of: (1) contract and expenditure authority from the Aviation Trust Fund for the AIP; (2) aviation excise and fuel taxes; and (3) passenger facility charge ("PFC") authority. DOT insurance coverage for domestic and foreign air carriers is also extended through November 30, 2008. The law extends through March 31, 2009, air carrier liability limits for third-party damages resulting from acts of terrorism. To allow aviation programs to continue under the same terms and conditions as were in effect during the previous authorization period, the law also extends several other provisions of Vision 100.

FAA EXTENSION ACT OF 2008, PART II

Public Law 110–330

(H.R. 6984)

September 30, 2008

The FAA Extension Act of 2008, Part II (P.L. 110–330) extends aviation programs and taxes for six months, from September 30, 2008, through March 31, 2009. It provides extensions of: (1) contract and expenditure authority from the Aviation Trust Fund for the AIP; (2) the authorization of appropriations for FAA operations, facilities and equipment ("F&E"), and research, engineering, and development ("RE&D"); (3) aviation excise and fuel taxes; and (4) the small community air service development ("SCASD") program. DOT insurance coverage for domestic and foreign air carriers is also extended through March 31, 2009. The law extends through May 31, 2009, air carrier liability limits for third-party damages resulting from acts of terrorism. To allow aviation programs to continue under the same terms and conditions as were in effect during the previous authorization period, the law also extends several other provisions of Vision 100.

AIR CARRIAGE OF INTERNATIONAL MAIL ACT

Public Law 110–405

(S. 3536)

October 13, 2008

The Air Carriage of International Mail Act (P.L. 110–405) allows the U.S. Postal Service to contract with certificated air carriers to transport international mail overseas. The contract can be awarded to any foreign points that the Secretary of Transportation ("Secretary") has authorized the carrier to serve.

TO AMEND TITLE 49, UNITED STATES CODE, TO EXPAND PASSENGER FACILITY FEE ELIGIBILITY FOR CERTAIN NOISE COMPATIBILITY PROJECTS

Public Law 110–337

(S. 996)

October 2, 2008

Public Law 110–337 allows a passenger facility fee that is levied at a large hub airport to be used to carry out noise mitigation for certain school buildings in a noise impacted area surrounding an airport, in certain circumstances. It enables new construction of a school if sound insulation and other retrofitting of an existing building do not provide meaningful noise relief. The law defines eligible project costs for any new construction as limited to the difference in cost between constructing to ordinary building code

standards for schools and the cost of incorporating noise mitigation features in the construction.

Coast Guard and Maritime Transportation

MARITIME POLLUTION PREVENTION ACT OF 2008

Public Law 110–280

(H.R. 802)

July 21, 2008

The International Convention for the Prevention of Pollution from Ships, known as MARPOL, is a treaty negotiated by the members of the United Nation's International Maritime Organization to limit various forms of pollution emitted by ocean-going vessels. Annex VI, which has been in force internationally since 2005, limits air pollution emitted by ships, including limiting emissions of nitrogen oxides and prohibiting the deliberate release of substances that deplete atmospheric ozone. This law institutes the legal changes needed to bring the United States into compliance with Annex VI. With these legal changes, the United States was able to deposit its instrument of ratification and thus to formally join Annex VI.

DRUG TRAFFICKING VESSEL INTERDICTION ACT OF 2008

Public Law 110–407

(S. 3598)

This law establishes criminal and civil penalties for operating a submersible or semisubmersible vessel without nationality on the high seas. These vessels are currently being used to smuggle large amounts of cocaine and other drugs into the United States.

OREGON SURPLUS FEDERAL LAND ACT OF 2008

Public Law 110–364

(H. R. 6370)

This law transferred 24 acres of excess Federal property administered by the Coast Guard to the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians. The transfer will include the Cape Arago Light Station, in Coos County, Oregon, which will be transferred to the Secretary of the Interior and held in trust for the benefit of the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians. Under the terms provided in the law, the Light Station is to be made available to the general public for educational, park, recreational, cultural, and historic preservation purposes.

TO REPEAL THE PROVISION OF TITLE 46, UNITED STATES CODE, REQUIRING A LICENSE FOR EMPLOYMENT IN THE BUSINESS OF SALVAGING ON THE COAST OF FLORIDA

Public Law 110–375

(S. 2482)

October 8, 2008

This law repeals an antiquated law that required vessels—and the captains of vessels—conducting salvage operations off the coast of Florida to obtain licenses from a United States District Court. The antiquated law, which applied only to Florida, was adopted in 1847; no license had been issued under this law since approximately 1921.

JUPITER INLET LIGHTHOUSE OUTSTANDING NATURAL AREA ACT OF 2008

Public Law 110–229, Section 202

(H.R. 1922)

May 8, 2008

Section 202 of Public Law 110–229, the Consolidated Natural Resources Act of 2008, establishes the Jupiter Inlet Lighthouse Outstanding Natural Area in Palm Beach County, Florida. Located at the confluence of the Indian and Loxahatchee Rivers, the Jupiter Island Inlet frames a point of land that has played a significant role in Florida coastal history for centuries. The Jupiter Island Inlet Lighthouse, built atop a prehistoric Indian mound, was first lit on July 10, 1860, and the 156–foot structure is the oldest existing building in Palm Beach County. The lighthouse was transferred from the Navy to the U.S. Coast Guard in 1939, and it was added to the National Register of Historic Places on November 15, 1973. In 1986, much of the reservation around the lighthouse was returned to public land status under the Bureau of Land Management, which coordinates management activities by six separate entities under the Jupiter Inlet Coordinated Resource Management Plan. Section 202 of Public Law 110–229 requires the Secretary of the Interior to develop a comprehensive management plan for the Jupiter Inlet Lighthouse Outstanding Natural Area within three years, and specifies that the requirements of the management plan will not affect on-going or planned Coast Guard operations in the Natural Area.

Economic Development, Public Buildings, and Emergency Management

HURRICANES KATRINA, RITA, AND WILMA FEDERAL MATCH RELIEF ACT OF 2007

Public Law 110–28

(H.R. 1144)

(incorporated as part of S. 2206)

May 8, 2008

This law waives the non-Federal share of the cost of certain disaster assistance related to Hurricanes Katrina, Rita, and Wilma and restores the authority of the Federal Emergency Management Agency ("FEMA") to cancel loans to local governments for recovery from Hurricanes Katrina, Rita, and Wilma under the Community Disaster Loan ("CDL") program.

KIDS IN DISASTERS WELL-BEING, SAFETY, AND HEALTH ACT OF 2007

Public Law 110–161, Division G, Title VI, sections 601–613

(H.R. 3495)

(incorporated into H.R. 2764)

December 26, 2007

The Kids in Disasters Well-being, Safety, and Health Act of 2007 establishes a National Commission on Children and Disasters. The purposes of the Commission are to: (1) conduct a comprehensive study to examine and assess the needs of children as they relate to preparation for, response to, and recovery from all hazards, including major disasters and emergencies; (2) build upon and review the recommendations of other government and nongovernmental entities that work on issues relating to the needs of children in disasters; and (3) report to the President and Congress on its specific findings, conclusions, and recommendations to address the needs of children as they relate to preparation for, response to, and recovery from all hazards, including disasters and emergencies.

More specifically, the Commission is tasked with investigating the needs of children facing disasters in the areas of children's health, child welfare, elementary and secondary education, affordable housing, transportation, and relevant activities in emergency mitigation, preparedness, response, and recovery.

The Commission is required to submit a final report to the President and Congress on its specific findings, conclusions, and recommendations.

APPALACHIAN REGIONAL DEVELOPMENT ACT AMENDMENTS OF 2008

Public Law 110–371

(S. 496/H.R. 799)

October 8, 2008

This law reauthorizes the Appalachian Regional Commission ("ARC") for five years, from fiscal year 2008 through fiscal year 2012. The Appalachian Regional Development Act of 1965 ("ARDA") established the ARC. The ARC is a regional economic development agency representing a precedent-setting partnership of Federal, State, and local government. The ARC includes all or part of 13 States: Alabama, Georgia, Kentucky, Maryland, Mississippi, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia. The ARC's primary objective is to support development of Appalachia's economy and critical infrastructure to provide a climate for growth in business and industry that will create jobs. The ARC administers a variety of programs to aid in the development and advancement of the region including the creation a highway system, enhancements in education and job training, and the development of water and sewer systems. This law strengthens the ARDA by providing tools to better assist those counties most at-risk of becoming economically distressed and by increasing the authorization level for the ARC.

JOHN F. KENNEDY CENTER REAUTHORIZATION ACT OF 2008

Public Law 110–338

(H.R. 3986)

October 3, 2008

This law amends the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts for five years. The law authorizes appropriations to carry out maintenance, repair, and security projects and capital projects for the Kennedy Center for fiscal years FY 2008 through FY 2012. In addition, the legislation authorizes the Board of Trustees to study, plan, design, engineer, and construct a photovoltaic system for the main roof of the Kennedy Center. The law authorizes such sums as may be necessary to construct the photovoltaic system.

OLD POST OFFICE BUILDING REDEVELOPMENT ACT OF 2008

Public Law 110–359

(H.R. 5001)

October 8, 2008

This law authorizes the Administrator of General Services to provide for the redevelopment of the Old Post Office Building located in the District of Columbia. In the past, the development expected at the Old Post Office Building was not successful due to constant

turnover of retail businesses and low satisfaction by tenants. The policy of the Federal Government has long been to preserve and make usable historic properties rather than sell them for revenue. Preservation and use are particularly important for this property, where not only its historic status but, security concerns inherent in its location mean that the property must be controlled by the Federal Government. This law authorizes the Administrator of General Services to enter into a development agreement to redevelop the Old Post Office Building under terms and conditions that are beneficial to the Federal Government.

FEDERAL PROTECTIVE SERVICE GUARD CONTRACTING REFORM ACT OF 2008

Public Law 110–356

(H.R. 3068)

October 8, 2008

This law prohibits the Secretary of Homeland Security from awarding contracts to provide guard services under the contract security guard program of the Federal Protective Service ("FPS") to a business concern that is owned, controlled, or operated by an individual who has been convicted of a felony. This legislation was developed based on the findings of two oversight hearings conducted by the Committee on Transportation and Infrastructure. On April 18, 2007, the Committee held a hearing entitled "Proposals to Downsize the Federal Protective Service and Effects on the Protection of Federal Buildings". On June 21, 2007, the Committee held a hearing entitled "The Responsibility of the Department of Homeland Security and the Federal Protective Service to Ensure Contract Guards Protect Federal Employees and Their Workplaces".

The first hearing focused on Department of Homeland Security ("DHS") proposals to cut the presence of Federal Protective Service officers nationally. The hearing examined FPS' core capabilities since being moved into DHS, its ability to deal with the threats in cities in which the DHS proposal indicated the city would lose FPS officer presence, and its new proposed core mission. The hearing also highlighted DHS' increased reliance on contract security guards to protect and respond to threats to Federal buildings as the number of FPS officers is reduced.

The second hearing focused on the role that contract guard services play in assisting FPS officers in protecting Federal buildings. The hearing also highlighted a company, run by an individual convicted of fraud, which had not paid its security guards and, as a result, potentially created a security risk in Federal buildings.

TO AMEND PUBLIC LAW 108–331 TO PROVIDE FOR THE CONSTRUCTION AND RELATED ACTIVITIES IN SUPPORT OF THE VERY ENERGETIC RADIATION IMAGING TELESCOPE ARRAY SYSTEM (VERITAS) PROJECT IN ARIZONA

Public Law 110–341

(S.J. Res. 35)

October 3, 2008

This law amends Public Law 108–331 to provide for the construction and related activities in support of the Very Energetic Radiation Imaging Telescope Array System (VERITAS) project in Arizona.

TO AUTHORIZE THE ADMINISTRATOR OF GENERAL SERVICES TO TAKE CERTAIN ACTIONS WITH RESPECT TO PARCELS OF REAL PROPERTY LOCATED IN EASTLAKE, OHIO, AND KOOCHICHING COUNTY, MINNESOTA, AND FOR OTHER PURPOSES

Public Law 110–427

(H.R. 6524)

October 15, 2008

This law authorizes the Administrator of General Services to release restrictions contained in the deed that conveyed a parcel of real property to Eastlake, Ohio, in 1964. The 10.8–acre site is the site of the John F. Kennedy Senior Center. The city of Eastlake will pay the General Services Administration ("GSA") $30,000 as consideration for release of the property restrictions. In addition, this law authorizes the Administrator of General Services to convey a parcel of real property to Koochiching County, Minnesota. The 5.8–acre property is located in International Falls, Minnesota, and is the former site of the Koochiching Army Reserve Training Center. Koochiching County will pay GSA $30,000 as consideration for the real property. GSA will transfer these funds to the Secretary of the Army. The conveyance of the real property is made on the condition that the property will be used for a public purpose.

TO AUTHORIZE THE ADMINISTRATOR OF GENERAL SERVICES TO CONVEY A PARCEL OF REAL PROPERTY TO THE ALASKA RAILROAD CORPORATION

Public Law 110–244, Title IV, section 401

(H.R. 1036)

June 6, 2008

Section 401 of Title IV of the SAFETEA–LU Technical Corrections Act of 2008 (P.L. 110–244) authorizes the Administrator of General Services to convey a parcel of real property to the Alaska Railroad Corporation, an entity of the State of Alaska. Subject to the requirements of this legislation, the Administrator shall con-

vey, by quitclaim deed, to the Alaska Railroad Corporation, all right, title, and interest of the United States in and to the parcel of real property known as the GSA Fleet Management Center. The GSA Fleet Management Center is a 78,000–square-foot parcel of real property located at the intersection of 2nd Avenue and Christensen Avenue in Anchorage, Alaska. As consideration for the property, the Administrator shall require the Corporation to either convey a replacement facility to GSA or pay the fair market value of the property based on its highest and best use as determined by an independent appraisal commissioned by the Administrator and paid for by the Alaska Railroad Corporation. All proceeds derived from any payment for the property will be deposited in the Federal Buildings Fund.

TO PROVIDE FOR THE CONDITIONAL CONVEYANCE OF ANY INTEREST RETAINED BY THE UNITED STATES IN ST. JOSEPH MEMORIAL HALL IN ST. JOSEPH, MICHIGAN

Public Law 110–244, Title IV, section 402

(H.R. 494)

June 6, 2008

Section 402 of Title IV of the SAFETEA–LU Technical Corrections Act of 2008 (P.L. 110–244) directs the Administrator of General Services to convey, by quitclaim deed, to the city of St. Joseph, Michigan, any interest retained by the United States in St. Joseph Memorial Hall. The law defines St. Joseph Memorial Hall. St. Joseph Memorial Hall is the property subject to conveyance from the Secretary of Commerce to the city of St. Joseph, Michigan, by quitclaim dated May 9, 1936, recorded in Liber 310, at page 404, in the Register of Deeds for Berrien County, Michigan. As consideration for the conveyance, the city of St. Joseph, Michigan, shall pay $10,000 to the United States. The Administrator may require additional terms and conditions for the conveyance to protect the interests of the United States.

TO AMEND THE INTERNATIONAL CENTER ACT TO AUTHORIZE THE LEASE OR SUBLEASE OF CERTAIN PROPERTY DESCRIBED IN SUCH ACT TO AN ENTITY OTHER THAN A FOREIGN GOVERNMENT OR INTERNATIONAL ORGANIZATION IF CERTAIN CONDITIONS ARE MET

Public Law 110–249

(H.R. 3913)

June 26, 2008

This law amends the International Center Act to authorize the lease or sublease of certain property described in such Act to an entity other than a foreign government or international organization if certain conditions are met. The Vienna Convention of 1962 on Diplomatic and Consular Relations requires that (1) the sending State locate its Chancery in the receiving State Capital City; (2) the receiving State assist the sending State in locating suitable an

affordable space for its Chancery; and (3) the receiving State provide adequate protection for such facilities. To fulfill this obligation and provide land for new embassies and consulates, the U.S. State Department acquired land in the District of Columbia pursuant to the International Center Act ("ICA") (P.L. 90–553). This 47–acre parcel of land, known as the International Center, is located on Connecticut Avenue and Van Ness Street, N.W., in Washington DC, and offers leased space for foreign government and international organizations.

TO PROVIDE FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF AN ARTERIAL ROAD IN ST. LOUIS COUNTY, MISSOURI

Public Law 110–16

(H.R. 1129)

March 28, 2007

This law provides for the construction, operation, and maintenance of an arterial road in St. Louis County, Missouri known as the "Lemay Connector Road".

UNITED STATES FIRE ADMINISTRATION REAUTHORIZATION ACT OF 2008

Public Law 110–376

(H.R. 4847)

October 8, 2008

This law authorizes appropriations for the United States Fire Administration ("USFA") for fiscal years 2009 through 2012, and authorizes USFA's activities related to training, public education, data collection, research, and national voluntary consensus standards. With regard to USFA's activities, the legislation updates the curriculum of the National Fire Academy, expands on-site training programs for fire service personnel, upgrades the National Fire Incident Reporting System, encourages more research related to wildland fires and the publication of such research, and promotes the adoption of national voluntary consensus standards for firefighter health and safety. It also establishes a fire service position at the U.S. Department of Homeland Security's National Operations Center and requires appropriate coordination at all levels of government with regard to fire prevention and control and emergency medical services.

U.S. Capitol Police and Library of Congress Police Merger Implementation Act of 2007

Public Law 110–178

(H.R. 3690)

January 7, 2008

This law establishes a framework and initiates the process of merging the U.S. Capitol Police and the Library of Congress Police, as provided by section 1015 of Legislative Branch Appropriations Act, 2003 (P.L. 108–7). In 2003, Congress enacted legislation to merge the police agencies to create "seamless security" on Capitol Hill. The law implements the U.S. Capitol Police and Library of Congress Police merger plan.

To Provide That the Great Hall of the Capitol Visitor Center Shall Be Known as Emancipation Hall

Public Law 110–139

(H.R. 3315)

December 18, 2007

This law designates the great hall of the Capitol Visitor Center as "Emancipation Hall". In 2004, Congress directed the Architect of the Capitol to study and report on the history and contributions of slave laborers in the construction of the U.S. Capitol. The 2005 report, entitled "History of Slave Laborers in the Construction of the United States Capitol", examined the efforts of slaves to help build the Capitol, other Federal buildings, and the White House, which at the time was known as the President's House. Although the record was incomplete because of limited documentation of slave labor, the evidence available and historical context in the report provided several indications that slaves and free African Americans played a significant role in building the physical symbols of the United States. In 2005, the Slave Laborers Task Force was established to study and recognize the contributions of enslaved African Americans in building the U.S. Capitol. On November 7, 2007, the Slave Laborers Task Force, chaired by Representative John Lewis, specifically recommended that the great hall of the Capitol Visitor Center be designated as "Emancipation Hall".

TO DESIGNATE THE UNITED STATES COURTHOUSE LOCATED AT 555 INDEPENDENCE STREET, CAPE GIRARDEAU, MISSOURI, AS THE "RUSH HUDSON LIMBAUGH, SR. UNITED STATES COURTHOUSE"

Public Law 110–13

(H.R. 342)

March 21, 2007

This law designates the United States Courthouse located at 555 Independence Street, Cape Girardeau, Missouri as the "Rush Hudson Limbaugh, Sr. United States Courthouse".

Rush Hudson Limbaugh, Sr. was born in Bollinger County, Missouri on September 27, 1891. He was a leading figure in the legal profession for his accomplishments not just in Missouri and the United States, but around the world. At the time of his death, at the age of 104, he was still practicing law after nearly eight decades. He was the nation's oldest practicing attorney. He argued over 60 cases before the Missouri Supreme Court. He tried cases before the Interstate Commerce Commission, the U.S. Labor Board and the Internal Revenue Appellate Division.

He was also active in other areas of civic life. He was elected to the Missouri State Legislature from 1931 to 1932, where he pressed for the formation of the Missouri State Highway Patrol and the consolidation of school districts. He served as President of the State Historical Society of Missouri from 1956 to 1959. He was also a Sunday school teacher, and a member of many local civic organizations including the Boy Scouts of America, Centenary United Methodist Church, and the Salvation Army.

TO DESIGNATE THE UNITED STATES COURTHOUSE AT SOUTH FEDERAL PLACE IN SANTA FE, NEW MEXICO, AS THE "SANTIAGO E. CAMPOS UNITED STATES COURTHOUSE"

Public Law 110–14

(H.R. 544)

March 21, 2007

This law designates the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the "Santiago E. Campos United States Courthouse".

Santiago E. Campos (1926–2002) was born December 25, 1926, in Santa Rosa, New Mexico. He served in the United States Navy as a Seaman 1st Class from 1944 to 1946. After leaving the Navy, Judge Campos attended the Central College in Fayette, Missouri, and received his law degree from the University of New Mexico in 1953, graduating first in his class. From 1954 until 1957, he worked as an Assistant Attorney General and subsequently as First Assistant Attorney General for the State of New Mexico. In 1971, after 14 years in private practice, Judge Campos was elected District Judge for the 1st Judicial District of New Mexico, and served in that capacity until 1978. In 1978, President Carter appointed Judge Campos to the federal bench. Judge Campos was the

first Hispanic to serve as a Federal Judge in the District Court of New Mexico, as well as being the first Hispanic to serve as its Chief Judge. He held the title of Chief U.S. District Judge from February 5, 1987, to December 31, 1989, and became a Senior Judge on December 26, 1992. Judge Campos died on January 20, 2002, after suffering a long bout with cancer.

During his career, Judge Campos was named an honorary member of the Order of the Coif. He also received the Distinguished Achievement Award of the State Bar of New Mexico in 1993, and, in the same year, the University of New Mexico honored him with a Distinguished Achievement Award.

TO DESIGNATE THE FEDERAL BUILDING LOCATED AT 400 MARYLAND AVENUE SOUTHWEST IN THE DISTRICT OF COLUMBIA AS THE "LYNDON BAINES JOHNSON DEPARTMENT OF EDUCATION BUILDING"

Public Law 110–15

(H.R. 584)

March 23, 2007

This law designates the Federal Building located at 400 Maryland Avenue, S.W., in Washington, DC, as the "Lyndon Baines Johnson Department of Education Building".

Lyndon Baines Johnson was one of the leading figures of the 20th Century. This "Teacher who became President" served his country in numerous, distinguished ways, including as Lt. Commander in the U.S. Navy during World War II, as a Member of both houses of Congress, as Vice President of the United States, and as the 36th President of the United States.

In a special election in 1937, Johnson won the U.S. House of Representatives seat representing the 10th Congressional District of Texas, defeating nine other candidates. He was re-elected to a full term in the 76th Congress and to each succeeding Congress until 1948.

After the bombing of Pearl Harbor on December 7, 1941, Johnson became the first Member of Congress to volunteer for active duty in the armed forces (U.S. Navy), reporting for active duty on December 9, 1941. Johnson received the Silver Star from General Douglas MacArthur for gallantry in action during an aerial combat mission over hostile positions in New Guinea on June 9, 1942. President Roosevelt ordered all Members of Congress in the armed forces to return to their offices, and Johnson was released from active duty on July 16, 1942.

In 1948, after a campaign in which he traveled by "newfangled" helicopter all over the state, Johnson won the primary by 87 votes and earned the nickname "Landslide Lyndon", and in the general election was elected to the U. S. Senate. He was elected Minority Leader of the Senate in 1953 and Majority Leader in 1955. He served in the U.S. Senate until he resigned to become Vice President in January 1961.

Lyndon Johnson became the 36th President of the United States on November 22, 1963, after the assassination of President John F. Kennedy.

In 1964, Johnson signed the Library Services Act (P.L. 88–269) to make high quality public libraries more accessible to both urban and rural residents. The funds made available under this Act were used to construct as well as operate libraries, and to extend this program to cities as well as rural areas. Later that year, President Johnson signed the Civil Rights Act (P.L. 88–352), which among its landmark provisions authorized federal authorities to sue for the desegregation of schools and to withhold federal funds from education institutions that practiced segregation.

During his administration, education was one of the many areas where President Johnson blazed new ground. He pursued numerous education initiatives, and signed many landmark education bills into law. He also launched the highly successful Head Start program in 1965. After leaving office, Lyndon Johnson continued his involvement in education and taught students while he wrote his memoirs and pursued other academic endeavors.

TO REDESIGNATE THE FEDERAL BUILDING LOCATED AT 167 NORTH MAIN STREET IN MEMPHIS, TENNESSEE, AS THE "CLIFFORD DAVIS AND ODELL HORTON FEDERAL BUILDING"

Public Law 110–20

(H.R. 753)

May 2, 2007

This law redesignates the Federal building located at 167 North Main Street in Memphis, Tennessee, as the "Clifford Davis and Odell Horton Federal Building".

Odell Horton was appointed to the United States District Court for the Western District of Tennessee by President Jimmy Carter on May 12, 1980. He was the first African-American U.S. District Court Judge appointed in Tennessee since Reconstruction.

Born on May 13, 1929, in Boliver, Tennessee, Horton grew up during the Depression and World War II in an environment he described as "typically rural Southern and typically segregated, with all the attendant consequences of that." Horton enlisted in the Marine Corps and served two tours. He received his law degree from Howard University in 1956 and moved to Memphis, Tennessee, where he started a private law practice.

In 1962, Horton became Assistant United States Attorney in Memphis. He remained in that position until his appointment to the Shelby County Criminal Court by Governor Buford Ellington. In 1968, Judge Horton ordered the desegregation of Bowld Hospital. A year later, he received the L.M. Graves Memorial Health Award for his efforts to advance the cause of health care in Memphis. Judge Horton stepped down from his federal judgeship to serve as President of LeMoyne-Owen College, a predominately African-American liberal arts college.

After serving four years as President of LeMoyne-Owen College, Judge Horton ran unsuccessfully for the Office of Shelby County District Attorney General. He returned to federal service upon his appointment as reporter for the Speedy Trial Act Implementation Committee by the Western District Court of Tennessee. He later

served as a U.S. Bankruptcy Judge from 1976 to 1980. Judge Horton also served as Chief Judge for the Western District of Tennessee from January 1, 1987, until December 31, 1993. On May 16, 1995, he took senior status and retired two years later.

Judge Horton was a member of the American Bar Association and Chair of the National Conference of Federal Trial Judges. He also served as a member of the Judicial Conference Committee on Defender Services. Morehouse College honored him with an Honorary Degree of Doctor of Laws. In 2000, the Memphis Bar Association awarded Judge Horton with a Public Service Award.

TO DESIGNATE THE FEDERAL BUILDING AND UNITED STATES COURTHOUSE AND CUSTOMHOUSE LOCATED AT 515 WEST FIRST STREET IN DULUTH, MINNESOTA, AS THE "GERALD W. HEANEY FEDERAL BUILDING AND UNITED STATES COURTHOUSE AND CUSTOMHOUSE"

Public Law 110–25

(S. 521/H.R. 187)

May 8, 2007

This law designates the Federal building and United States courthouse and customhouse located at 515 West First Street in Duluth, Minnesota, as the "Gerald W. Heaney Federal Building and United States Courthouse and Customhouse".

Gerry Heaney is a decorated World War II veteran. He was a member of the distinguished Army Ranger Battalion and participated in the historic D-Day landing at Normandy. He was awarded the Silver Star for extraordinary bravery in the battle of La Pointe du Hoc in Normandy, France. He also received a Bronze Star and five battle stars.

At the end of the war, Judge Heaney returned home and entered private practice in Duluth. During that time he was instrumental in improving the state education system, and served on the Board of Regents of the University of Minnesota. He was instrumental in helping the Duluth school system develop a payroll system that equalized the pay for both men and women.

Judge Heaney was appointed Judge of the United States Court of Appeals for the 8th Circuit on November 3, 1966, by President Lyndon B. Johnson. After 40 years of distinguished judicial service, Judge Heaney retired on August 31, 2006.

TO DESIGNATE A UNITED STATES COURTHOUSE LOCATED IN FRESNO, CALIFORNIA, AS THE "ROBERT E. COYLE UNITED STATES COURTHOUSE"

Public Law 110–46

(S. 801)

July 5, 2007

This law designates a United States courthouse located in Fresno, California, as the "Robert E. Coyle United States Courthouse".

From 1956 until 1958, Judge Coyle was Deputy District Attorney for Fresno County. From 1958 until 1982, he was a lawyer in a private practice. He was appointed to the Federal bench in 1982, and served as the Chief Judge for the Eastern District of California from 1990 to 1996. In 2006, he retired as a Senior Judge.

Judge Coyle is a dedicated jurist and active in many professional organizations, including the Fresno County Legal Services, President of the Fresno Bar Association, Vice President of the California State Bar Association, and a faculty member at the Hastings College of Law. Judge Coyle has a particular connection to the Subcommittee on Economic Development, Public Buildings, and Emergency Management through his work with the courts on development of the Design Guide for construction of U.S. courthouses.

TO DESIGNATE THE UNITED STATES COURTHOUSE LOCATED AT 301 NORTH MIAMI AVENUE, MIAMI, FLORIDA, AS THE "C. CLYDE ATKINS UNITED STATES COURTHOUSE"

Public Law 110–146

(H.R. 2671)

December 21, 2007

This law designates the United States courthouse located at 301 North Miami Avenue, Miami, Florida, as the "C. Clyde Atkins United States Courthouse".

Judge C. Clyde Atkins was born on November 23, 1914, in Washington, DC. In 1921, he moved to Miami, Florida, with his family. Judge Atkins attended Miami High School, and graduated from the University of Florida College of Law in 1936. He practiced law in private practice for more than 25 years, and was a partner in the law firm of Walton, Lantaff, Shroeder, Atkins, Carson and Wahl from 1941 to 1966. In 1966, President Lyndon B. Johnson nominated and the Senate confirmed Judge Atkins to serve as a U.S. District Court Judge for the Southern District of Florida. He served as Chief Judge from 1977 to 1982 and assumed senior status on December 31, 1982. Judge Atkins continued to serve until his death in 1999.

In addition to his time as a jurist, Judge Atkins also held several positions in the legal community and community at large. He served as President of the Dade County Bar Association and the Florida Bar Association. He was also a trustee at Biscayne College (now St. Thomas University) and Mercy Hospital. Judge Atkins was also very active in the Catholic Church, and he was named a knight of St. Gregory by Pope Paul VI.

Judge Atkins had a strong reputation as a principled and fair jurist. He was respected because of his application of the law without respect to race, creed, religion, or national origin.

TO DESIGNATE THE FEDERAL BUILDING LOCATED AT 210 WALNUT STREET IN DES MOINES, IOWA, AS THE "NEAL SMITH FEDERAL BUILDING"

Public Law 110–158

(H.R. 1045)

December 26, 2007

This law designates the Federal building located at 210 Walnut Street in Des Moines, Iowa, as the "Neal Smith Federal Building".

Neal Smith was born on March 23, 1920, in his grandparents' home near Hedrick, Keokuk County, Iowa. He served in the United States House of Representatives from 1959 until 1995, the longest serving Member of the House of Representatives from Iowa. Congressman Smith is a World War II veteran, having served in the United States Army Air Force as a bomber pilot. His plane was shot down during combat and he received a Purple Heart, nine Battle Stars, and the Air Medal with four oak leaf clusters.

Neal Smith is one of Iowa's most respected and distinguished elected officials. His interests, while in Congress, were varied but he especially focused on agriculture, small business, and the environment. He became a champion for those issue areas and authored legislation establishing the Commodity Futures Trading Commission, the Federal Meat, Poultry and Egg Inspection Acts, and Small Business Development Centers.

TO DESIGNATE THE FEDERAL BUILDING AND UNITED STATES COURTHOUSE LOCATED AT 100 EAST 8TH AVENUE IN PINE BLUFF, ARKANSAS, AS THE "GEORGE HOWARD, JR. FEDERAL BUILDING AND UNITED STATES COURTHOUSE"

Public Law 110–159

(H.R. 2011)

December 26, 2007

This law designates the Federal building and United States courthouse located at 100 East 8th Avenue in Pine Bluff, Arkansas, as the "George Howard, Jr. Federal Building and United States Courthouse".

Judge George Howard, Jr. was born in Pine Bluff, Arkansas, on May 13, 1924. He began his service to our nation at the age of 18 when he was drafted into military service during World War II. Judge Howard served with distinction in the United States Navy with the Construction Battalion or the "Seabees"—in the South Pacific.

He earned his law degree in 1954 from the University of Arkansas School of Law. He was the first African American student to live on campus in the newly desegregated campus dormitories. After graduating from law school, Judge Howard began a long, illustrious, and trailblazing legal career in his home state of Arkansas. In the 1950s, Judge Howard started a private law practice. He subsequently served on the Arkansas State Claims Commission,

the Arkansas Court of Appeals, and the Arkansas Supreme Court. In 1980, President Carter appointed Judge Howard to the U.S. District Court, Eastern and Western Districts of Arkansas. Judge Howard was Arkansas' first African American Federal judge.

During Judge Howard's career, he received several awards and distinctions from the legal community. Through his pursuit of legal and racial equality, and his exemplary career in public service, Judge Howard helped to pave the way for other African-Americans to pursue careers in law and public service.

TO DESIGNATE THE UNITED STATES BANKRUPTCY COURTHOUSE LOCATED AT 271 CADMAN PLAZA EAST IN BROOKLYN, NEW YORK, AS THE "CONRAD B. DUBERSTEIN UNITED STATES BANKRUPTCY COURTHOUSE"

Public Law 110–262

(H.R. 430)

July 15, 2007

This law designates the United States bankruptcy courthouse located at 271 Cadman Plaza East in Brooklyn, New York, as the "Conrad B. Duberstein United States Bankruptcy Courthouse".

Conrad B. Duberstein was born in the Bronx on October 22, 1915. He earned his undergraduate degree from Brooklyn College in 1938 and his law degree from St. John's University Law School in 1942. From 1943 to 1945, Duberstein served in the United States Army, where he was awarded the Purple Heart, the Bronze Star, and the Combat Infantry Badge.

Judge Duberstein practiced law in Brooklyn at Schwartz, Rudin & Duberstein. In 1971, he joined the firm of Otterbourg, Steindler, Houston & Rosen as a partner, where he remained until his retirement in 1981. That same year, Judge Duberstein joined the Eastern District Bankruptcy Court and was appointed Chief Judge in 1984, a position he held until his death. Judge Duberstein was awarded an honorary doctorate of laws from St. John's University Law School in 1991 and served as a former Judge Advocate General of the Military Order of the Purple Heart for the State of New York.

In 1992, the Brooklyn Bar Association presented him with its Annual Award for Outstanding Achievement in the Science of Jurisprudence and Public Service. Judge Duberstein died at his home on November 18, 2005, at the age of 90.

TO DESIGNATE THE STATION OF THE UNITED STATES BORDER PATROL LOCATED AT 25762 MADISON AVENUE IN MURRIETA, CALIFORNIA, AS THE "THEODORE L. NEWTON, JR. AND GEORGE F. AZRAK BORDER PATROL STATION"

Public Law 110–264

(H.R. 2728)

July 15, 2008

This law designates the station of the United States Border Patrol located at 25762 Madison Avenue in Murrieta, California, as the "Theodore L. Newton, Jr. and George F. Azrak Border Patrol Station".

On June, 17, 1967, Patrol Inspectors Theodore L. Newton, Jr. and George F. Azrak were killed in the line of duty while working an all-night shift at a remote border patrol checkpoint near Oak Grove, California. On that night, the two officers were conducting a traffic check operation when they stopped a van carrying over 800 pounds of marijuana. While checking the vehicle, the officers were ambushed and abducted by four drug smugglers and taken to a mountain cabin where they were shot and killed.

Inspector Theodore Newton, Jr. began his service with the Department of Immigration and Naturalization Services ("INS") in 1966, as a Patrol Inspector. He served in that capacity for over one year before his death in 1967. He is survived by his wife, son, and daughter.

Inspector George F. Azrak joined the INS in May of 1967 and was about to begin training in the Academy for Border Patrol agents when he was killed in the line of duty. He is survived by his wife and two children.

The United States Border Patrol has created the Newton-Azrak Medal of Heroism in honor of Inspectors Newton and Azrak's brave service and sacrifice. The medal is given annually to a Border Patrol Officer who exercises unusual courage or bravery in the line of duty and/or performs a heroic or humane act during times of extreme stress or in an emergency. The Newton-Azrak Medal is the Border Patrol's highest award for bravery.

TO DESIGNATE THE PORT ANGELES FEDERAL BUILDING IN PORT ANGELES, WASHINGTON, AS THE "RICHARD B. ANDERSON FEDERAL BUILDING"

Public Law 110–266

(H.R. 4140)

July 15, 2008

This law designates the Port Angeles Federal Building in Port Angeles, Washington, as the "Richard B. Anderson Federal Building".

Private First Class ("PFC") Richard B. Anderson was born on June 26, 1921, in Tacoma, Washington. Anderson joined the United States Marine Corps in 1942. He was promoted to the rank of Pri-

vate First Class on April 12, 1943 and assigned to the East Company, 2nd Battalion, of the 23rd Marines. PFC Anderson's unit was deployed to the Marshall Islands in January 1944. On February 1, 1944, his company was part of an invasion force fighting to take control of Rio Island from the Japanese. During the assault, Anderson and three other Marines jumped into a shell crater to escape enemy fire. As Anderson prepared to throw a grenade from inside the crater, the grenade slipped from his hands and began to roll toward the other three Marines in the crater. In an act of selfless heroism, Anderson lunged on top of the live grenade and absorbed the full impact of the blast, saving the lives of his fellow soldiers. Anderson was evacuated to the U.S.S. Callaway but died from his wounds shortly thereafter.

PFC Anderson was posthumously awarded the Purple Heart and the Medal of Honor, which is the nation's highest military decoration, for his acts of bravery and service to his country. On October 26, 1945, in honor of PFC Anderson, the United States Navy commissioned a DD–786 destroyer battleship as the "U.S.S. Richard B. Anderson". The ship began active service in January 1947, and was used in combat for the Vietnam and Korean Wars. The ship remained in active service until December 20, 1975.

TO DESIGNATE THE UNITED STATES CUSTOMHOUSE BUILDING LOCATED AT 31 GONZALEZ CLEMENTE AVENUE IN MAYAGUEZ, PUERTO RICO, AS THE "RAFAEL MARTINEZ NADAL UNITED STATES CUSTOMHOUSE BUILDING"

Public Law 110–276

(H.R. 1019)

July 15, 2008

This law designates the United States customhouse building located at 31 Gonzalez Clemente Avenue in Mayaguez, Puerto Rico, as the "Rafael Martinez Nadal United States Customhouse Building".

Although Don Rafael Martinez Nadal was born in the city of Mayaguez on April 22, 1877, he received his college degree in Philosophy and Letters in the Provincial Institute of Secondary Education in San Juan. At the age of 16, he went to Barcelona, Spain, to study law. A short time after beginning his legal coursework, he moved to Paris in search of additional coursework.

On August 13, 1904, he returned to Mayaguez and began studying agriculture, particularly coffee growing. Simultaneously, he began his first successful attempts in the media and politics with the Puerto Rican Republican Party. In 1908, he founded the political newspaper El Combate. He obtained his law degree in 1912 and became one of the most prominent men of the Puerto Rican political arena. He was considered one of the most famous criminal lawyers of the time.

In 1914, he was elected as a member of the Chamber of Delegates for the city of Ponce by the Puerto Rican Republican Party. In 1920 he was chosen by the same party to serve in the Senate and was reelected in the next five general elections. When the alli-

ance of the Union of Puerto Rico Party and the Puerto Rican Republican Party formed in 1924, Martinez Nadal left the Republican Party and initiated a political movement called the Pure Republican Party, which registered officially as the Historical Constitutional Party. Later he founded the Republican Union, working to advance the ideal of statehood for Puerto Rico. In coalition with the Socialist Party, the Republican Union triumphed in the general elections of 1932 and 1936. In both terms, Martinez Nadal presided over the Senate. He died on July 6, 1941.

His literary and journalistic papers are compiled in the book Tempraneras. He also published the novels La hoguera and Cuando el amor muere.

TO DESIGNATE THE UNITED STATES COURTHOUSE LOCATED AT 1716 SPIELBUSCH AVENUE IN TOLEDO, OHIO, AS THE "JAMES M. ASHLEY AND THOMAS W.L. ASHLEY UNITED STATES COURTHOUSE"

Public Law 110–284

(H.R. 3712)

July 23, 2008

This law designates the United States courthouse located at 1716 Spielbusch Avenue in Toledo, Ohio, as the "James M. Ashley and Thomas W.L. Ashley United States Courthouse".

James Monroe Ashley (1824–1896) was born in Pittsburgh, Pennsylvania, and moved to Portsmouth, Ohio, with his family at the age of four. He helped organize the Ohio Republican party. He had a distinguished career in public service which included five terms as a Representative from Ohio and later as Governor of Montana. Representative Ashley was the first Member of Congress to call for an amendment to the United States Constitution that would outlaw slavery.

After serving in Congress, Governor Ashley became the governor of the Montana Territory and served until 1870. He then moved into the private sector, where he was instrumental in building the Toledo, Ann Arbor, & North Michigan Railroad.

Thomas William Ludlow Ashley is the great grandson of former Governor James M. Ashley. Born in 1923, Representative Thomas Ashley served in the United States Army during the Second World War. He went on to graduate from Yale University in 1948 and from Ohio State University Law School in 1951. He served 13 terms in Congress. During his time in Congress, Representative Ashley served as Chairman of the Select Committee on Energy, Chairman of the Committee on Merchant Marine and Fisheries, and Assistant Majority Whip. In 1977, Speaker Thomas P. "Tip" O'Neill established a Select Committee on Energy and appointed Representative Ashley to chair the Committee.

TO DESIGNATE THE FEDERAL BUILDING AND UNITED STATES COURTHOUSE LOCATED AT 300 QUARROPAS STREET IN WHITE PLAINS, NEW YORK, AS THE "CHARLES L. BRIEANT, JR., FEDERAL BUILDING AND UNITED STATES COURTHOUSE"

Public Law 110–311

(H.R. 6340)

August 12, 2008

This law designates the Federal building and United States courthouse located at 300 Quarropas Street in White Plains, New York, as the "Charles L. Brieant, Jr., Federal Building and United States Courthouse".

Judge Charles Brieant, Jr. was born in 1923 in Ossining, New York. He graduated from Columbia University and Columbia Law School.

He began his public service practicing in White Plains, New York, while serving as Water Commissioner for the town of Ossining, New York. Judge Brieant was elected Ossining Town Justice in 1952 before serving as Village Attorney for Briarcliff Manor, New York. From 1960 through 1963, he served as Town Supervisor for Ossining. He also served in the New York legislature in 1970 and 1971. In 1971, President Richard M. Nixon nominated Judge Brieant to serve on the District Court for the Southern District of New York. He served as Chief Judge for the Southern District of New York from 1986 to 1993. Last year, Judge Brieant took senior status.

During his distinguished career, Judge Brieant received many awards and honors including the Servant of Justice Award from the Guild of St. Ives in 1998 and the Edward Weinfeld Award for Distinguished Contributions to the Administration of Justice in 2006.

TO DESIGNATE THE UNITED STATES COURTHOUSE LOCATED AT 225 CADMAN PLAZA EAST, BROOKLYN, NEW YORK, AS THE "THEODORE ROOSEVELT UNITED STATES COURTHOUSE"

Public Law 110–319

(S. 2837)

September 17, 2008

This law designates the United States Courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the "Theodore Roosevelt United States Courthouse".

Theodore Roosevelt was born in New York, New York, on October 27, 1858. In 1880, he graduated magna cum laude from Harvard College. After graduating from Harvard, he briefly studied at Columbia Law School before being elected to the New York State Assembly in 1882, at the age of 23. He served in the Assembly for two years, before President Benjamin Harrison appointed him as a member of the United States Civil Service Commission. In 1895, he resigned from the Commission and became President of the New

York Board of Police Commissioners. In 1897, President William McKinley appointed him Assistant Secretary of the Navy, where he served for a little more than a year. At the beginning of the Spanish-American War, he left his post as Assistant Secretary to raise a volunteer cavalry regiment for the United States Army. During the Spanish American War, Roosevelt served as Colonel of his regiment, known as "Roosevelt's Rough Riders".

In 1898, Roosevelt was elected as the Governor of New York but left office after two years to run for Vice President of the United States, on a ticket headed by William McKinley. President McKinley won the election of 1900 but was assassinated on September 6, 1901. On September 14, 1901, at the age of 42, Roosevelt took the oath of office and became the 26th President of the United States. At that time, he was the youngest person to ever hold the Presidency.

President Roosevelt was elected to a second term in 1904. During his two terms in office, President Roosevelt's list of achievements include facilitating and ensuring the construction of the Panama Canal, establishing the Department of Commerce and the Department of Labor, signing the Elkins Anti-rebate Act for railroads, and greatly advancing environmental conservation efforts by providing Federal protection for close to 230 million acres of land. He was also awarded the Nobel Peace Prize in 1906, for his work in ending the Russo-Japanese War.

In 1919, at the age of 60, Roosevelt passed away in Oyster Bay, New York.

TO DESIGNATE THE UNITED STATES COURTHOUSE LOCATED IN THE 700 BLOCK OF EAST BROAD STREET, RICHMOND, VIRGINIA, AS THE "SPOTTSWOOD W. ROBINSON III AND ROBERT R. MERHIGE, JR., UNITED STATES COURTHOUSE"

Public Law 110–320

(S. 2403)

September 18, 2008

This law designates the United States Courthouse located at the 700 block of East Broad Street, Richmond, Virginia, as the "Spottswood W. Robinson III and Robert R. Merhige, Jr., United States Courthouse".

Spottswood William Robinson III was born in Richmond. Robinson attended public schools in Richmond, which were segregated at the time, and graduated from Armstrong High School in 1932. Following high school, he studied at Virginia Union University from 1932 until 1934 and from 1935 until 1936. Judge Robinson entered Howard University School of Law in Washington, D.C., before completing his bachelor's degree, and graduated magna cum laude in 1939.

After his graduation, Judge Robinson became a professor at the Howard University School of Law, where he taught for eight years. He emerged as a prominent civil rights attorney. In 1951, Judge Robinson was appointed southeast regional counsel for the National Association for the Advancement of Colored People

("NAACP"). Shortly after joining the NAACP, Robinson represented an African-American student in Virginia's Prince Edward County. The lawsuit was eventually combined with the Brown v. Board of Education case, which the U.S. Supreme Court agreed to hear in 1954.

In 1961, President John F. Kennedy appointed Judge Robinson to the U.S. Commission on Civil Rights, a six-member bipartisan commission charged with studying civil rights violations in the United States. Judge Robinson was confirmed by the Senate by a vote of 73 to 17. In 1964, President Lyndon B. Johnson appointed Judge Robinson to the U.S. District Court for the District of Columbia and two years later, he became the first African American to serve on the U.S. Court of Appeals for the D.C. Circuit. Judge Robinson served as Chief Judge of the U.S. Court of Appeals from 1981 to 1986, and served on the Court until his retirement in 1992.

On October 11, 1998, Judge Robinson passed away in Richmond, Virginia.

Robert R. Merhige, Jr. was born in Brooklyn, New York, on February 5, 1919. Judge Merhige received his law degree from University of Richmond's T.C. Williams School of Law in 1942. Upon graduation, he enlisted in the United States Army Air Corps, where he served as a crewman aboard a B–17 bomber based in Italy.

He would become one of the most formidable lawyers in Virginia. In 1967, President Lyndon B. Johnson appointed Judge Merhige to the District Court. Two weeks into his service on the court, Judge Merhige drew the first of many high-profile cases that became the hallmark of his career. He ordered the release of black activist H. Rap Brown, who was imprisoned in Virginia after making an impassioned and militant speech in Maryland.

Judge Merhige was involved in many high-profile cases during his 31-year tenure on the Federal bench. He wrote the decision for a three-judge panel that threw out the appeals of Watergate figures G. Gordon Liddy, Bernard Barker, and Eugenio Martinez. In 1970, he ordered the University of Virginia to admit women. He clarified the rights of pregnant women to keep their jobs. In 1979, he presided over the trials of Ku Klux Klan and American Nazi Party members accused of injuring and killing members of the Communist Workers Party. He also ordered the integration of dozens of Virginia schools.

On February 18, 2005, Judge Merhige passed away.

TO DESIGNATE THE FEDERAL BUREAU OF INVESTIGATION BUILDING UNDER CONSTRUCTION IN OMAHA, NEBRASKA, AS THE "J. JAMES EXON FEDERAL BUREAU OF INVESTIGATION BUILDING"

Public Law 110–334

(S. 3009)

October 1, 2008

This law designates the Federal Bureau of Investigation Building under construction in Omaha, Nebraska, as the "J. James Exon Federal Bureau of Investigation Building".

J. James Exon was born on August 9, 1921, in Geddes, South Dakota. After graduating from the University of Omaha, he joined the United States Army Signal Corps, serving two years overseas in New Guinea, the Philippines, and Japan. He was honorably discharged as a Master Sergeant in December of 1945, and served in the Army Reserve until 1949. In 1954, Exon founded Exon's Incorporated, which became one of Nebraska's best-known office equipment companies.

J. James Exon's political career began as a member of the Nebraska Democratic State Central Committee. He was also a member of the Democratic National Committee and went on to Chair the Nebraska Democratic Party from 1968 to 1970. He then served two terms as Governor of Nebraska prior to being elected to the U.S. Senate in 1978. He served three terms in the United States Senate before retiring in 1996. Following his retirement from the Senate, Senator Exon served on the Deutch Commission, which was created by Congress to study the threat of weapons of mass destruction.

Outside of public life, Senator Exon was an active member of the Holy Trinity Episcopal Church in Lincoln, Nebraska. On June 10, 2005, Senator Exon passed away. He is survived by his wife, three children, and eight grandchildren.

Highways and Transit

OVER-THE-ROAD TRANSPORTATION ACCESSIBILITY ACT OF 2007

Public Law 110–291

(H.R. 3985)

July 30, 2008

This law strengthens the ability of the Federal Motor Carrier Safety Administration ("FMCSA") to monitor and enforce compliance with the Department of Transportation's over-the-road bus accessibility regulations. Congress passed the Americans with Disabilities Act ("ADA") in 1990 to expand and enhance opportunities for individuals with disabilities. Among its provisions, the ADA required the Department of Transportation ("DOT") to promulgate regulations to ensure the accessibility of public transportation, passenger rail, and motorcoach transportation. These regulations have not been enforced by FMCSA with respect to motorcoaches, however, because the agency interprets the motor carrier registration statute in a way that limits the agency's authority to enforce accessibility regulations promulgated by DOT.

This law requires, as a registration condition for motor carriers of passengers, that a carrier be willing and able to comply with specified accessibility requirements for transportation provided by an over-the-road bus (characterized by an elevated passenger deck located over a baggage compartment). This legislation also directs the Secretary of Transportation and the Attorney General to enter into a memorandum of understanding to delineate the specific roles and responsibilities of the Department of Transportation and the

Department of Justice, respectively, in enforcing carrier compliance with such requirements.

TO AUTHORIZE ADDITIONAL FUNDS FOR EMERGENCY REPAIRS AND RECONSTRUCTION OF THE INTERSTATE I–35 BRIDGE LOCATED IN MINNEAPOLIS, MINNESOTA, THAT COLLAPSED ON AUGUST 1, 2007, TO WAIVE THE $100,000,000 LIMITATION ON EMERGENCY RELIEF FUNDS FOR THOSE EMERGENCY REPAIRS AND RECONSTRUCTION, AND FOR OTHER PURPOSES

Public Law 110–56

(H.R. 3311)

August 6, 2007

This law authorizes additional funds for emergency repairs and reconstruction of the Interstate I–35 Bridge located in Minneapolis, Minnesota, that collapsed on August 1, 2007, to waive the $100,000,000 limitation on emergency relief funds for those emergency repairs and reconstruction, and for other purposes.

SAFETEA–LU TECHNICAL CORRECTIONS ACT OF 2008

Public Law 110–244

(H.R. 1195)

June 6, 2008

This law amends the Safe, Accountable, Flexible Efficient Transportation Equity Act: A Legacy for Users ("SAFETEA–LU") to make technical corrections to the Act. This law makes technical corrections to SAFETEA–LU and clarifies Congressional intent in a number of programs and Member-designated projects. This law corrects the oversubscription of funds in the research title of SAFETEA–LU, provides intended contract authority for the Maglev program, and clarifies the States' ability to use ignition interlocks for repeat impaired driving offenders.

TO REPEAL A PROHIBITION ON THE USE OF CERTAIN FUNDS FOR TUNNELING IN CERTAIN AREAS WITH RESPECT TO THE LOS ANGELES TO SAN FERNANDO VALLEY METRO RAIL PROJECT, CALIFORNIA

Public Law 110–161, Division K, Title I, Section 169

(H.R. 238)

(incorporated into H.R. 2764)

December 26, 2007

Section 169 of Division K, Title I, of the Consolidated Appropriations Act, 2008 (P.L. 110–161) repeals a decades-old prohibition on the use of Federal transit funds associated with the Los Angeles to San Fernando Valley Metro Rail project for tunneling in areas that had been identified as methane risk zones.

TO DESIGNATE A PORTION OF CALIFORNIA STATE ROUTE 91 LOCATED IN LOS ANGELES COUNTY, CALIFORNIA, AS THE "JUANITA MILLENDER-MCDONALD HIGHWAY"

Public Law 110–441

(H.R. 4131)

October 21, 2008

This law designates a portion of California State Route 91 located in Los Angeles County, California, as the "Juanita Millender-McDonald Highway". Representative Millender-McDonald was a Member of the Committee on Transportation and Infrastructure.

TO DESIGNATE A PORTION OF UNITED STATES ROUTE 20A, LOCATED IN ORCHARD PARK, NEW YORK, AS THE "TIMOTHY J. RUSSERT HIGHWAY"

Public Law 110–282

(S. 3145)

July 23, 2008

This law designates a portion of United States Route 20A, located in Orchard Park, New York, as the "Timothy J. Russert Highway". This bill was introduced following the untimely death of the host of Meet the Press, and honors his legacy in his hometown of Buffalo, New York.

TO DESIGNATE A PORTION OF INTERSTATE ROUTE 395 LOCATED IN BALTIMORE, MARYLAND, AS "CAL RIPKEN WAY"

Public Law 110–88

(H.R. 3218)

September 28, 2007

This law designates a portion of Interstate Route 395 located in Baltimore, Maryland, as "Cal Ripken Way".

Railroads, Pipelines, and Hazardous Materials

RAIL SAFETY IMPROVEMENT ACT OF 2008

Public Law 110–432, Division A

(H.R. 2095)

October 16, 2008

The Rail Safety Improvement Act of 2008 (P.L. 110–432, Division A) reauthorizes the Federal Railroad Administration ("FRA") and provides a total of $1.625 billion for our nation's rail safety program for fiscal years 2009 through 2013. The authorization of the rail safety program expired a decade ago, in 1998.

The law clarifies that the mission of the FRA is to ensure that safety is the highest priority; creates a new position of Chief Safety Officer; requires the Secretary of Transportation to develop a long-term strategy for improving rail safety, which must include an annual plan and schedule for, among other things, reducing the number and rates of accidents, injuries, and fatalities involving railroads; and requires the Secretary to report annually on the Department's progress in implementing unmet statutory mandates and open safety recommendations by the Department of Transportation's Inspector General and the National Transportation Safety Board ("NTSB").

The legislation implements a number of long-standing NTSB safety recommendations by requiring all Class I railroads and intercity passenger and commuter railroads to install a positive train control ("PTC") system by December 31, 2015, on all main-line track where intercity passenger railroads and commuter railroads operate and where toxic-by-inhalation hazardous materials are transported; reforming hours-of-service standards to provide train crews with more rest time; requiring Class I railroads to provide emergency escape breathing apparatus for all crewmembers on freight trains carrying hazardous materials; and strengthening track and grade crossing safety.

The law also enhances railroad worker training; prohibits railroads from denying, delaying, or interfering with the medical treatment of injured workers; increases civil penalties for certain rail safety violations; enhances bridge and tunnel safety; establishes a program at the NTSB to assist victims and their families involved in a passenger rail accident, modeled after a similar aviation disaster program; and ensures that state governments are able to protect their citizens against environmental hazards, such as noxious fumes or leaks into groundwater, which could result from operation of a waste processing facility by a railroad.

PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2008

Public Law 110–432, Division B

(H.R. 2095)

October 16, 2008

The Passenger Rail Investment and Improvement Act of 2008 (P.L. 110–432, Division B) reauthorizes Amtrak and provides a total of $13.06 billion over five years to help bring the Northeast Corridor to a state-of-good-repair, and encourage the development of new and improved intercity passenger rail service through a Federal-State matching grant program. It also provides $1.5 billion for the planning and development of high-speed rail corridors.

Specifically, over five fiscal years, the law authorizes $5.315 billion for capital grants and $2.949 billion for operating grants to Amtrak. Past inconsistent Federal support has hampered Amtrak's ability to replace catenaries, passenger cars, bridges, ties, and other equipment necessary for Amtrak to provide service. These capital grants will help bring the Northeast Corridor to a state-of-good-repair, and allow Amtrak to procure new rolling stock, reha-

bilitate existing bridges, and make additional capital improvements on its entire network. In addition, the operating grants authorized under the bill will help Amtrak pay salaries, health costs, overtime pay, fuel costs, facilities, and train maintenance and operations. These operating grants will also ensure that Amtrak can meet its obligations under its recently negotiated labor contract.

In an effort to encourage the development of new and improved intercity passenger rail services, the legislation creates a new State Capital Grant program for intercity passenger rail projects. The law provides $1.9 billion over five years for grants to States to pay for the capital costs of facilities and equipment necessary to provide new or improved intercity passenger rail. Out of these funds, $325 million is reserved for grants to States and to Amtrak for projects that increase capacity along certain rail lines in order to reduce congestion and facilitate ridership growth.

The legislation also authorizes $1.5 billion over five years for grants to States and/or Amtrak to finance the construction and equipment for 11 authorized high-speed rail corridors. In addition, the Act requires the Secretary of Transportation to issue a request for proposals for projects for the financing, design, construction, and operation of ten Federally-designated high speed rail corridors and the Northeast Corridor. Proposals would need to meet certain financial, labor, and planning criteria, as well as a detailed description to account for any impacts on existing passenger, commuter, and freight rail traffic to be considered. If the Secretary receives a qualifying proposal, he is directed to form a Commission to study any proposals received. The Secretary would issue a report to Congress on the Commission's findings and his recommendations for each of the corridors. Any further action on a proposal would need legislative approval by Congress.

Finally, the Act authorizes $1.5 billion for fiscal years 2009 through 2019 for capital preventive maintenance grants for the Washington Metropolitan Area Transit Authority, and includes a number of measures to reform Amtrak's operations and Amtrak's financial and accounting procedures; improve Amtrak's on-time performance; reduce Amtrak's debt; and resolve disputes between commuter and freight railroads. The Act also extends the number of years a recipient of a Railroad Rehabilitation and Improvement Financing ("RRIF") loan could have to repay the loan from 25 years to 35 years. These loans will help railroads, States, government-sponsored authorities, and shippers improve capacity. Funding from the RRIF program can also be used to develop intercity and high-speed rail systems and purchase and install positive train control systems.

Water Resources and Environment

WATER RESOURCES DEVELOPMENT ACT OF 2007

Public Law 110–114

(H.R. 1495)

November 9, 2007

The Water Resources Development Act of 2007 (P.L. 110–114) ("WRDA 2007") authorizes approximately $23 billion projects and studies for the U.S. Army Corps of Engineers within its existing missions of flood damage reduction, navigation, environmental restoration, water supply, hydropower, and environmental infrastructure. In particular, WRDA authorizes 51 Reports of the Chief of Engineers, including eight projects for navigation, 16 projects for environmental restoration, eight projects for shore protection and hurricane and storm damage reduction, ten projects for flood control, and eight multi-purpose projects.

This law includes 138 projects under the Corps of Engineers continuing authorities programs. These programs are statutory authorities for small flood damage reduction, environmental restoration, navigation, shoreline stabilization, and projects for improvement of the environment. It authorizes approximately 100 studies for the Corps of Engineers, covering the Corps' purposes of flood control, navigation, recreation, ecosystem restoration, and water supply.

In addition, this law modifies approximately 160 existing projects of the Corps of Engineers to allow the Corps to meet the needs of the nation with respect to ongoing flood control, navigation, environmental restoration, and multipurpose projects.

WRDA 2007 authorizes approximately 400 new projects for the Corps of Engineers, including projects for navigation, flood control, environmental restoration, recreation, and environmental infrastructure. It also authorizes and modifies three critical programs for the restoration of coastal Louisiana, the restoration of the Florida Everglades, and the restoration of the Upper Mississippi River and Illinois Waterway System.

WRDA 2007 also includes important policy provisions that address concerns with the Corps' existing study, design, review, and mitigation processes. These provisions reflect changes that have been identified in the past several years and were highlighted by some of the problems discovered as a result of Hurricane Katrina.

First, WRDA 2007 directs the Corps to undertake Independent Peer Review of the technical aspects of project planning when certain cost thresholds are met, a Governor of an affected state requests it, or if the Chief of Engineers determines that the project will be controversial. The Independent Peer Review provision creates an important tool to ensure that the best projects are designed and implemented.

In addition, WRDA 2007 directs the Corps to update its primary guidance document, the Principles and Guidelines ("P&G"). With an updated P&G, the Corps will be able to better capture the needs

of modern infrastructure projects including ecosystem needs along with important infrastructure.

Finally, WRDA 2007 ensures that necessary infrastructure projects are not built at the expense of our natural environment but will include complete, timely, and appropriate mitigation for environmental impacts.

H.R. 1495 passed the House of Representatives on April 19, 2007, and became law on November 9, 2007, after a successful override of the President's veto.

GREAT LAKES LEGACY REAUTHORIZATION ACT OF 2008

Public Law 110–365

(H.R. 6460)

October 8, 2008

The Great Lakes Legacy Reauthorization Act of 2008 (P.L. 110–365) amends the Federal Water Pollution Control Act to reauthorize appropriations through fiscal year 2010 for projects aimed at the cleanup of contaminated sediment in the Great Lakes areas of concern.

In addition, the law amends section 118(c) of the Federal Water Pollution Control Act to allow sediment remediation funding to be used to address aquatic habitat restoration, provided that this restoration activity is related to a project for the remediation of contaminated sediment. It also authorizes the Administrator of the Environmental Protection Agency to conduct the initial site assessments for potential remediation projects within the areas of concern at Federal expense.

Finally, the law explicitly authorizes non-Federal sponsors to credit the value of certain in-kind contributions towards the non-Federal share of the cost of eligible sediment remediation projects, and reauthorizes appropriations for an existing research and development program for innovative sediment remediation technologies at current levels through 2010.

CLEAN BOATING ACT OF 2008

Public Law 110–288

(S. 2766/H.R. 5949)

July 29, 2008

The Clean Boating Act of 2008 (P.L. 110–288) provides a targeted exemption under the Clean Water Act for discharges incidental to the normal operations of recreational vessels. It defines a recreational vessel as "any vessel that is * * * manufactured or used primarily for pleasure, or * * * leased, rented, or chartered to a person for the pleasure of that person." The definition of recreational vessel specifically excludes a vessel "subject to Coast Guard inspection that * * * is engaged in commercial use, or * * * carries paying passengers."

This law also directs the Administrator of the Environmental Protection Agency to develop "reasonable and practicable" management practices to mitigate the adverse impacts of discharges from a recreational vessel that are exempted by this Act. It also requires the Administrator, in consultation with the Secretary of the department in which the Coast Guard is operating, the Secretary of Commerce, and the heads of other interested Federal agencies to develop performance standards for management practices based on the class, type, and size of the vessel.

TO CLARIFY THE CIRCUMSTANCES DURING WHICH THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY AND APPLICABLE STATES MAY REQUIRE PERMITS FOR DISCHARGES FROM CERTAIN VESSELS, AND TO REQUIRE THE ADMINISTRATOR TO CONDUCT A STUDY OF DISCHARGES INCIDENTAL TO THE NORMAL OPERATION OF VESSELS

Public Law 110–299

(S. 3298/H.R. 6556)

July 31, 2008

This law provides a two year moratorium from the permitting requirements of section 402 of the Clean Water Act for certain discharges incidental to the normal operation of vessels less than 79 feet in length and fishing vessels (as defined in section 2101 of title 46, United States Code) regardless of the length of the vessel. The law defines the types of discharges that shall not require a permit during the two-year period as: "any discharge of effluent from properly functioning marine engines," "any discharge of laundry, shower, and galley sink wastes," or "any other discharge incidental to the normal operation of a covered vessel."

The law also directs the Administrator of the Environmental Protection Agency, in consultation with the Secretary of the department in which the Coast Guard is operating and the heads of other interested Federal agencies, to conduct a study to evaluate the impacts of certain discharges incidental to the normal operation of a vessel. The law directs the Administrator to publicly release a draft report on the study for comment, and submit a final report on its findings to the authorizing Committees of the House and Senate within 15 months of the date of enactment.

TO REDESIGNATE LOCK AND DAM NO. 5 OF THE MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM NEAR REDFIELD, ARKANSAS, AUTHORIZED BY THE RIVERS AND HARBORS ACT APPROVED JULY 24, 1946, AS THE "COLONEL CHARLES D. MAYNARD LOCK AND DAM"

Public Law 110–263

(H.R. 781)

July 15, 2008

This law redesignates Lock and Dam number five of the McClellan-Kerr Arkansas River Navigation System as the "Colonel Charles D. Maynard Lock and Dam". Colonel Charles D. Maynard graduated from the United States Military Academy at West Point in 1941, after which he was commissioned in the Coast Artillery and later transferred to the Corps of Engineers. Colonel Maynard was the District Engineer of the Little Rock Engineer District, where he oversaw all aspects of the creation of the McClellan-Kerr Arkansas River Navigation System, which, at the time, was the largest civil works project ever undertaken by the Corps of Engineers.

This law honors his life and achievements, and recognizes his important contributions to Civil Works.

TO AMEND THE WATER RESOURCES DEVELOPMENT ACT OF 2007 TO CLARIFY THE AUTHORITY OF THE SECRETARY OF THE ARMY TO PROVIDE REIMBURSEMENT FOR TRAVEL EXPENSES INCURRED BY MEMBERS OF THE COMMITTEE ON LEVEE SAFETY

Public Law 110–274

(H.R. 6040)

July 15, 2008

This law amends section 9003 of the Water Resources Development Act of 2007 to condition reimbursement for travel expenses incurred by members of the Committee on Levee Safety on the availability of appropriations.

SUMMARY OF ACTIVITIES FOR THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

During the 110th Congress, the Committee on Transportation and Infrastructure, chaired by Representative James L. Oberstar, with Representative John L. Mica serving as Ranking Member, held 22 hearings (234 witnesses and approximately 150 hours) covering the breadth of issues within the jurisdiction of the Committee.

The legislative and oversight activities of the Committee are outlined in the subcommittee and oversight chapters of this report. However, the Committee enacted several bills and resolutions which involve the jurisdiction of more than one subcommittee. In addition, the Full Committee held 22 oversight hearings.

The following bills and resolutions were enacted in the 110th Congress:

Public Law 110–53, the Implementing the 9/11 Commission Recommendations Act of 2007,

Public Law 110–140, the Energy Independence and Security Act of 2007,

Public Law 110–234, the Food, Conservation, and Energy Act of 2008,

Public Law 110–325, the ADA Amendments Act of 2008,

Public Law 110–181, the National Defense Authorization Act for Fiscal Year 2008,

Public Law 110–417, the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009,

H. Res. 352, supporting the goals and ideals of National Public Works Week,

H. Res. 936, reaffirming the goals and ideals that formed the impetus for Albert Gallatin's national plan for transportation improvements 200 years ago, and for other purposes, and

H. Res. 1137, supporting the goals and ideals of National Public Works Week.

More than 80 other Committee bills and resolutions enacted in the 110th Congress are outlined in the subcommittee chapters of this report.

Public Laws and House Resolutions

IMPLEMENTING THE 9/11 COMMISSION RECOMMENDATIONS ACT OF 2007

Public Law 110–53

(H.R. 1)

August 3, 2007

The Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110–53) fully implements the recommendations set forth in the 9/11 Commission Report. The Act addresses our nation's security vulnerabilities as well as enhances emergency management capabilities to prevent, prepare for, and respond to all hazards. This Act contains numerous provisions within the jurisdiction of the Committee on Transportation and Infrastructure.

AVIATION

Improving Passenger and Cargo Screening

The 9/11 Commission recommended improvements to airline passenger pre-screening; better airline screening checkpoints to detect explosives; and enhancements to checked bag and cargo screening. Title XVI of the Act implements these recommendations by requiring the Department of Homeland Security ("DHS") to: establish a system to screen 100 percent of cargo transported on passenger aircraft, within three years; provide grants for specified airport security improvement projects including in-line baggage screening deployment; issue a strategic plan, originally due in 2005, to deploy explosive detection equipment at airports to screen individuals and baggage, and begin full implementation of the strategic plan within one year; develop and implement a program to acquire, maintain, and replace blast-resistant cargo containers and make such containers available to air carriers by July 1, 2008, based on risk; and advance research and development for technology to prevent terrorist acts against civil aviation, including by establishing a grant program to fund pilot projects to deploy such technology.

This Act also prohibits the Administrator of the Federal Aviation Administration from certifying any new foreign repair station if the Transportation Security Administration does not issue regulations within one year governing foreign repair station security. The regulations were required by prior law to be issued by August 2004.

COAST GUARD AND MARITIME TRANSPORTATION

Ensuring 100 Percent Container Scanning

Title XVII requires scanning of all containers, by nonintrusive imaging and radiation detection equipment, before such containers are loaded on a vessel in a foreign port, in order to be able to enter the United States. The deadline for implementation is July 1, 2012, but the Secretary of Homeland Security can extend the deadline in two-year increments. This provision requires full-scale implementation of a container scanning pilot program established by the SAFE Port Act of 2006, which applied to three foreign seaports. This sec-

tion also requires the Secretary of Homeland Security to issue an interim rule to establish minimum standards and procedures for securing containers in transit to the United States by April 1, 2008. If the Secretary fails to meet that deadline, all containers in transit to the United States must meet existing international standards for sealing containers until a final rule is issued.

ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS, AND EMERGENCY MANAGEMENT

Increased Funding for Emergency Management Performance Grants

States and local governments rely on the Emergency Management Performance Grant program ("EMPG") to build their capability to prepare for, respond to, recover from, and mitigate all hazards. Prior to enactment of this Act, the EMPG program received only one tenth of the amount of funding allocated to terrorism preparedness programs, despite the ongoing need. Title II significantly boosts funding for the EMPG program, authorizing a total of nearly $3.4 billion for fiscal years 2008 through 2012, while directing the Federal Emergency Management Agency ("FEMA") to continue distributing funds to States based on population. This provision also affirms that the EMPG program is authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act, which maintains the structure and purpose of this longstanding program.

Strengthening the Incident Command System

The 9/11 Commission Report recommended that emergency response agencies nationwide adopt the Incident Command System ("ICS"), a standard, on-scene, all-hazards incident management system. DHS incorporated many principals from ICS into the National Incident Management System in 2004. However, problems with the use of ICS during a statewide or regional catastrophe became evident in the response to Hurricane Katrina, some of which were addressed in the Post Katrina Emergency Management Reform Act of 2006 (P.L. 109–295). Title IV further strengthens the use of ICS, including provisions specifically related to credentialing and typing, or using a common naming system to classify the capabilities or attributes of personnel and equipment is critical to ensure that the proper resources are deployed in response to an incident. This Act requires Federal agencies to credential and type personnel and resources available in response to a disaster; directs FEMA to maintain a database of these personnel and resources; and requires FEMA to issue guidance to Federal, state, local, and tribal governments on credentialing and typing. The Act and accompanying report clarify that access to disaster areas is the responsibility of state and local governments.

Enhancing Private Sector Preparedness

The 9/11 Commission Report recognized the private sector as a critical element in ensuring the nation's preparedness: "Private-sector preparedness is not a luxury; it is a cost of doing business in the post–9/11 world. It is ignored at a tremendous potential cost in lives, money, and national security." Title IX of the Act permits FEMA and the Assistant Secretary for Infrastructure Protection to

develop recommendations and identify best practices to be taken by the private sector to foster preparedness, and requires the establishment of a voluntary private sector preparedness accreditation and certification program. The Secretary of Homeland Security has designated the Administrator of FEMA to administer this program.

Prioritizing the Vulnerabilities of Critical Infrastructure

The presence of critical infrastructure within a State and its probable vulnerability to attack was recognized by the 9/11 Commission as an important element in determining the State's overall risk and subsequent security funding needs. Although the Secretary of Homeland Security has the responsibility to conduct vulnerability assessments pursuant to the Homeland Security Act of 2002, the Commission criticized DHS for not setting national priorities with respect to critical infrastructure. Title X addresses this concern by requiring the Secretary to maintain a prioritized critical infrastructure list and to provide a report on the comprehensive risk assessments of critical infrastructure conducted by DHS.

SURFACE TRANSPORTATION

The 9/11 Commission Report recommended that the Federal Government "should identify and evaluate the transportation assets that need to be protected, set risk-based priorities for defending them, select the most practical and cost-effective ways of doing so, and then develop a plan, budget, and funding to implement the effort." This Act addresses this recommendation and the security needs of public transportation, rail, and over-the-road bus systems.

Strengthening Public Transportation, Rail, Bus, and Truck Security

Titles XIV and XV of the Act:

Require DHS to complete a nationwide risk assessment of a terrorist attack on railroad carriers and develop and implement a National Strategy for Railroad Transportation Security and a National Strategy for Public Transportation Security;

Mandate that all public transportation agencies, railroad carriers, and over-the-road bus operators at high risk for terrorism undergo an assessment of the vulnerability of their infrastructure and operations to terrorism, and prepare and implement a security plan;

Establish three separate security grant programs for carriers to implement specific vulnerabilities identified in their security plans:

$3.4 billion for FY 2008–2011 for eligible transit systems;

$1.2 billion for FY 2008–2011 for eligible railroad carriers; and

$87 million for FY 2008–2011 for eligible over-the-road bus operators;

Authorize $650 million for grants to Amtrak for system-wide security upgrades and $200 million for grants to Amtrak for tunnel improvements;

Authorize annual funding through FY 2011 for a security research and development programs dedicated to public transportation, rail, and over-the-road bus transportation;

Require DHS to establish a program for security exercises at public transportation systems, railroad systems, and over-the-road bus systems, and requires security training for employees of transit agencies, rail carriers, and over-the-road bus operators;

Establish strong whistleblower protections for transit, rail, and bus employees, and requires such employees, or employees of contractors, to undergo a security background check;

Require DHS to conduct a comprehensive assessment of the risk of terrorist attack on the nation's school bus transportation system; and

Require DHS to submit a report to Congress on the status of security in the trucking industry and requires an audit by the Inspector General on the Highway Watch program.

Advancing Hazardous Materials and Pipeline Security

This Act also includes several provisions to address vulnerabilities related to hazardous materials transportation including: requiring physical testing of rail cars used to transport highly toxic chemicals material; evaluating the security risks of transportation routes of security sensitive materials; equipping rail cars transporting high hazard materials with communications technology; documenting existing highway routes for hazardous materials transported by truck; and tracking technologies for motor carrier shipments of certain security-sensitive hazardous materials. The Act also addresses pipeline security by requiring DHS to develop a pipeline security and incident recovery protocols plan, to review pipeline operators' security plans, and to inspect the 100 most critical pipeline operators.

Improving Transportation Security Planning and Information Sharing

The 9/11 Commission observed that while DHS had developed a National Strategy for Transportation Security ("Strategy"), it lacked the necessary detail to make it a useful tool. Title XII of the Act directs DHS to include additional information, as specified in the legislation, in subsequent submissions of the Strategy to Congress; requires DHS to tie the priorities identified in the Strategy to risk assessments conducted by DHS; and requires DHS to link its budget submissions to such priorities. The Act also requires DHS to develop a Transportation Security Information Sharing Plan and to provide a semiannual report to Congress identifying recipients of transportation security information.

ENERGY INDEPENDENCE AND SECURITY ACT OF 2007

Public Law 110–140

(H.R. 6)

(See also H.R. 2701 and H.R. 3221)

December 19, 2007

The Energy Independence and Security Act of 2007 (P.L. 110–140) promotes energy efficient transportation and public buildings, and creates incentives for the use of alternative fuel vehicles and renewable energy. This Act contains numerous provisions within the jurisdiction of the Committee on Transportation and Infrastructure.

COAST GUARD AND MARITIME TRANSPORTATION

Prohibition of Incandescent Lamps by Coast Guard

Title V, Subtitle C prohibits the purchase or installation of incandescent lamps in a Coast Guard facility by or on behalf of the Coast Guard except where such lamp is specifically necessary.

Short Sea Shipping

Title XI, Subtitle C requires the Secretary of Transportation to establish a short sea transportation program and to designate short sea transportation projects to mitigate landside congestion. This subtitle also requires the Secretary to designate short sea transportation routes as extensions of the surface transportation system to relieve landside congestion along coastal routes. The Secretary will designate projects if the project offers a waterborne alternative to available landside transportation and provide for transportation services for passengers or freight (or both) that may reduce congestion. The subtitle requires the Secretary to develop, in consultation with other Federal agencies and state and local governments, strategies to encourage the use of short sea transportation of passengers and cargo and to encourage state departments of transportation to develop strategies to incorporate short sea transportation and other marine transportation solutions into their regional and interstate transportation plans. Subtitle C also amends the Capital Construction Fund ("CCF") program so that vessels engaged in short sea transportation are eligible to participate in this program. CCF is a tax deferral program that allows a vessel owner to deposit funds into the account and defers the taxation on the earnings in the account if the owner uses the funds to build a vessel for short sea transportation. The deferred taxation is recaptured by decreasing the depreciable base of the vessel by the amount of CCF funds used to purchase the vessel.

ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS, AND EMERGENCY MANAGEMENT

Federal Building Energy Efficiency

Section 323 mends section 3307(b) of the Public Buildings Act (40 USC 601–619) by inserting new paragraph (7). The paragraph re-

quires the Administrator of General Services to include in any prospectus of a proposed facility being transmitted to Congress for approval an estimate of future energy performance of the building or space and a specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems. This section also authorizes the Administrator of General Services to include minimum performance requirements requiring energy efficiency and use of renewable energy in leased space. In addition, section 323 directs the Administrator of General Services to equip each public building significantly altered or constructed, to the maximum extent practicable, with lighting fixtures and bulbs that are energy efficient. This section directs the Administrator of General Services in normal routine maintenance to replace lighting fixtures or bulbs with energy efficient lighting fixtures and bulbs. Finally, this section amends section 3310 of the Public Buildings Act by inserting a new section 3 that authorizes the Administrator of General Services to include in any solicitation for a lease requiring a prospectus required under section 3307 of title 40 an evaluation factor that considers the extent to which the offeror will promote energy efficiency and use renewable energy.

Title IV, Subtitle B amends the National Energy Conservation Policy Act ("NECPA") to set forth specific energy reduction goals for Federal buildings for FY 2006 through FY 2015 and requires Federal agencies to designate an energy manager to reduce facility energy use. This subtitle also establishes specific goals to reduce fossil fuel consumption by Federal buildings. In addition, Subtitle B directs the Administrator of General Services to establish an Office of Federal High-Performance Green Buildings within GSA and requires the Director of the Office to implement a "green building" certification system. Finally, this subtitle amends the National Energy Conservation Policy Act by extending the life-cycle cost calculation period from 25 years to 40 years.

Title V, Subtitle C directs the Administrator of General Services to install a photovoltaic system for the headquarters building of the Department of Energy located at 1000 Independence Avenue, S.W., in Washington, DC. This subtitle also directs the Secretary of Energy to establish Federal building energy efficiency performance standards that require at least 30 percent of the hot water demand for each new Federal building or major renovation of a Federal building to be met through the installation and use of solar hot water heaters.

U.S. Capitol Complex Energy Efficiency

Title V, Subtitle A authorizes the Architect of the Capitol to perform a feasibility study regarding construction of photovoltaic roof on the Rayburn House Office Building and the Hart Senate Office Building. This subtitle also authorizes the Architect of the Capitol to construct a fuel tank and pumping system for E–85 fuel at or within close proximity to the Capitol Grounds Fuel Station. In addition, Subtitle A authorizes the Architect of the Capitol, to the maximum extent practicable, to include energy efficient measures, climate change mitigation measures, and other appropriate environmental measures in the Capitol Complex Master Plan. Finally, this subtitle authorizes the Architect of the Capitol, for the pur-

poses of reducing carbon dioxide emissions, to install technologies for the capture and storage or use of carbon dioxide emitted from the Capitol power plant as a result of burning coal.

HIGHWAYS AND TRANSIT

Center for Climate Change and Environment

Section 1101 authorizes the Department of Transportation's Center for Climate Change and Environment to plan, coordinate, and implement Department-wide research, strategies, and actions to reduce transportation-related energy use and mitigate the effects of climate change. This section requires the Center to establish a clearinghouse to identify and track low-cost solutions to reducing transportation-related energy use, greenhouse gas emissions, and mitigate the effects of climate change.

Congestion Mitigation and Air Quality Improvement Program Incentives

Section 1131 increases the Federal commitment to congestion mitigation and air quality improvement projects by increasing the Federal share for grants under the Congestion Mitigation Air Quality ("CMAQ") program from 80 percent under current law to 100 percent of the net project cost. The section will assist regions in complying with the Clean Air Act and reducing transportation-related emissions.

Section 1132 requires States to implement future rescissions of unobligated Federal-Aid Highway program contract authority proportional to the programmatic allocation received in a given fiscal year, if there is unobligated contract authority available to meet the rescission requirements. States have chosen to apply pervious rescissions disproportionately to cut contract authority for the Congestion Mitigation and Air Quality Improvement ("CMAQ") program and Transportation Enhancement program funds. Both of these programs provide significant environmental benefits.

"Complete Streets" Design

Section 1133 encourages state and local governments to employ "complete streets" policies. Complete streets are streets designed to accommodate all users of a variety of modes of transportation, including environmentally friendly options such as public transit, walking, and bicycling.

RAILROADS, PIPELINES, AND HAZARDOUS MATERIALS

Ethanol Transportation Studies

Section 243 directs the Secretary of Energy, in coordination with the Secretary of Transportation, to conduct feasibility studies for the construction of pipelines dedicated to the transportation of ethanol. The study includes consideration of the barriers to constructing pipelines dedicated to the transportation of ethanol; market risk; regulatory, and financing options that would mitigate any risk; methods to ensure safe transportation of ethanol and preventive measures to ensure pipeline integrity; and other factors the Secretary of Energy considers appropriate. This section authorizes appropriations of $1 million for each of fiscal years 2008 and 2009

to carry out this section. Section 245 directs the Secretary of Energy, in coordination with the Secretary of Transportation, to jointly conduct a study of the adequacy of transportation of domestically-produced renewable fuels by railroad and other modes of transportation as designated by the Secretaries.

Green Locomotive Grant Pilot Program

Section 1111 requires the Secretary to establish a competitive grant program to incentivize railroad carriers and state and local governments to purchase hybrid and other energy-efficient locomotives, including hybrid switch and generator-set locomotives. The section authorizes $10 million for each of fiscal years 2008 through 2011 to carry out this program.

Regional and Shortline Railroad Grant Program

Section 1112 directs the Secretary of Transportation to establish a capital grant program to assist regional and short line railroads in rehabilitating, preserving, or improving railroad track used primarily for the safe and efficient transportation of freight traffic. This section authorizes $50 million for each of fiscal years 2008 through 2011 to carry out this capital grant program.

FOOD, CONSERVATION, AND ENERGY ACT OF 2008

Public Law 110–234

(H.R. 2419/H.R. 6124)

May 22, 2008

The Food, Conservation, and Energy Act of 2008 (P.L. 110–234) contains several provisions within the jurisdiction of the Committee on Transportation and Infrastructure.

ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS, AND EMERGENCY MANAGEMENT

Section 6025 of the Act reauthorizes the Delta Regional Authority ("DRA") through fiscal year 2012 at current levels, and adds 12 additional counties to be eligible for assistance in Louisiana and Mississippi.

Section 6026 of the Act reauthorizes the Northern Great Plains Regional Authority ("NGPRA") through fiscal year 2012 at current levels, and makes several changes to the Commission's structure.

Section 14217 authorizes three new regional development commissions: the Northern Border Regional Commission, the Southeast Crescent Regional Commission, and the Southwest Border Regional Commission. These Commissions are authorized through fiscal year 2012, at $30 million per year for each Commission. The Act places these three commissions under one unified administration and management structure, as modeled after the Appalachian Regional Commission ("ARC").

WATER RESOURCES AND ENVIRONMENT

Section 2605 directs the Secretary of Agriculture to assist in the implementation of conservation activities on agricultural lands in

the Chesapeake Bay watershed through a new Chesapeake Bay Program for Nutrient Reduction and Sediment Control program. Section 2803 reauthorizes appropriations for the Natural Resources Conservation Service Small Watershed Rehabilitation Program through fiscal year 2012 at $100 million per year.

ADA AMENDMENTS ACT OF 2008

Public Law 110–325

(S. 3406)

September 25, 2008

The ADA Amendments Act of 2008 (P.L. 110–325) ensures the full implementation of the protections enacted by Congress in the Americans with Disabilities Act ("ADA") of 1990 and provides a clear and comprehensive national mandate for the elimination of discrimination on the basis of disability.

The Act amends the definition of disability to clarify the intent of Congress in light of several opinions of the U.S. Supreme Court that have narrowed the definition of disability. The Act retains the original three prongs of the definition of disability: a physical or mental impairment that substantially limits one or more life activities; a record of such impairment; or being regarded as having such impairment. However, it clarifies the intent of several elements of the definition.

Among other provisions, the Act prohibits the consideration of mitigating measures, such as medication, assistive technology, accommodations, and modifications, in determining whether an impairment substantially limits a major life activity. The Act also provides that the definition of disability shall be construed broadly.

Entities covered under the ADA will not be required to provide reasonable accommodations or reasonable modifications to policies and procedures for individuals who meet the definition of disability only because they are "regarded as having an impairment."

This Act clarifies that the three agencies that currently issue regulations under the ADA, including the Department of Transportation, have regulatory authority related to the definitional amendments made by this Act.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

Public Law 110–181

(H.R. 4986)

(See also H.R. 1585, vetoed by the President on December 28, 2007)

January 28, 2008

The National Defense Authorization Act for Fiscal Year 2008 was signed into law on January 28, 2008. This Act contains several provisions within the jurisdiction of the Committee on Transportation and Infrastructure.

AVIATION

Section 1064 of the Act repeals section 1063 of the National Defense Authorization Act for FY 2006 (P.L. 109–163) and reaffirms state procurement authority over the Abraham Lincoln National Airport Commission, University Park, Illinois, and removes restrictive representation requirements for who may serve on the airport board. Section 378 extends the war risk insurance program from March 30, 2008, to December 31, 2013. Section 1078 requires the Federal Aviation Administration ("FAA") to regulate the safety of certain aviation services provided under contract to the Department of Defense ("DOD").

COAST GUARD AND MARITIME TRANSPORTATION

Section 521 of the Act makes members of the Ready Reserve eligible for tuition assistance, and requires the Secretary of Defense to conduct a study on the tuition assistance program. Section 2845 authorizes a land exchange between the city of Detroit and the United States Coast Guard. Section 3511 amends the commercial vessel chartering rules applicable to the Secretary of Transportation and expands the Secretary's authority to purchase, charter, operate or otherwise acquire a vessel "as the Secretary deems appropriate", which allows leases for longer periods of time than the 18 months allowable under current law. Section 3521 clarifies that the Jones Act permits a seaman to pursue his claim against his employer wherever the employer does business.

ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS, AND EMERGENCY MANAGEMENT

Section 2708 allows the Administrator of General Services to transfer 69.5 acres of real property, including warehouse facilities, in Springfield, Virginia to the Secretary of the Army, in the context of relocation of members of the Armed Forces and DOD civilian employees to Fort Belvoir.

WATER RESOURCES AND ENVIRONMENT

Section 311 authorizes the Secretary of Defense to transfer to the Environmental Protection Agency funds to reimburse the Environmental Protection Agency ("EPA") for costs incurred in connection with the former Larson Air Force Base, Moses Lake Superfund Site, Moses Lake, Washington. Section 312 authorizes the Secretary of Defense to transfer to EPA funds to reimburse EPA for costs incurred in connection with the Arctic Surplus Superfund Site, Fairbanks, Alaska. Section 313 authorizes the Secretary of the Navy to contribute funds to the Superfund Trust Fund as a stipulated penalty assessed by the EPA against the Jackson Park Housing Complex, Washington. Section 2875 directs the Corps of Engineers to assume operation and maintenance responsibilities for a flood control project located within the city of Woonsocket, RI from the non-Federal sponsor.

DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

Public Law 110–417

(S. 3001)

October 14, 2008

The Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (P.L. 110–417) contains several provisions within the jurisdiction of the Committee on Transportation and Infrastructure.

AVIATION

Section 2854 prohibits the airfield property located at NASJRB Willow Grove from being used for commercial passenger and cargo aircraft operations, as a reliever airport due to congestion at other airports, or as a general aviation airport.

COAST GUARD AND MARITIME TRANSPORTATION

Section 601 authorizes a pay raise for the members of the uniformed services, including the United States Coast Guard, of 3.9 percent effective on January 1, 2009. Section 619 amends section 353 of title 37, United States Code, to authorize a skill proficiency bonus of up to $12,000 annually to a member enrolled in an officer training program, which affects Coast Guard officers. Section 881 clarifies that the Secretary of Homeland Security can issue regulations governing the registration and licensing of trademarks owned and controlled by the Coast Guard and gives the Department of Homeland Security the ability to retain fees from licensing of intellectual property.

HIGHWAYS AND TRANSIT

Section 3512 creates a Port of Guam Improvement Enterprise Program to provide for the planning, design, and construction of projects for the Port of Guam to improve facilities, relieve congestion, and provide greater access to facilities. This section includes a limitation that highway project funds provided to Guam under title 23, United States Code, are not eligible to be transferred to the Port of Guam Improvement Enterprise Fund. Section 2814 amends Section 210 of title 23, the Defense Access Roads program, and requires the Secretary of Defense to conduct a transportation needs assessment if an action of the Department of Defense will cause a significant transportation impact.

WATER RESOURCES AND ENVIRONMENT

Section 312 authorizes the Secretary of Defense to transfer funds to reimburse the Environmental Protection Agency for its costs in overseeing a remedial investigation and feasibility study at the former Larson Air Force Base, Moses Lake Superfund Site, in Washington. Section 1067 amends section 101(a)(1) of the Water Resources Development Act of 2000 (related to the project for hurricane and storm damage reduction, Barnegat Inlet to Little Egg

Inlet, New Jersey) to direct the Secretary of the Army to handle, at Federal expense, munitions located on the beach during section construction of the project. Section 2811 changes Department of Defense reporting requirements to require DOD to report to Congress on real property transactions associated with "Army civil works water resource development projects".

SUPPORTING THE GOALS AND IDEALS OF NATIONAL PUBLIC WORKS WEEK

(H. Res. 352)

May 15, 2007

H. Res. 352 expresses support for the goals and ideals of National Public Works Week. This resolution recognizes and celebrates the important contributions that public works professionals make to improve the public infrastructure of the United States.

REAFFIRMING THE GOALS AND IDEALS THAT FORMED THE IMPETUS FOR ALBERT GALLATIN'S NATIONAL PLAN FOR TRANSPORTATION IMPROVEMENTS 200 YEARS AGO, AND FOR OTHER PURPOSES

(H. Res. 936)

March 12, 2008

H. Res. 936 honors the 200th anniversary of the Gallatin Report on Roads and Canals, celebrating the national unity that the Gallatin Report engendered, and recognizing the vast contributions that national planning efforts have provided to the United States. President Thomas Jefferson commissioned his Secretary of the Treasury, Albert Gallatin, to provide a new vision for transportation that would unite the young and expanding Republic. The Gallatin Report highlighted the importance of a strong national infrastructure. This critical factor remains relevant today as we face new challenges in maintaining, improving, and financing transportation infrastructure necessary to meet the evolving needs of our economy and mobility.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL PUBLIC WORKS WEEK

(H. Res. 1137)

May 21, 2008

H. Res. 1137 expresses support for the goals and ideals of National Public Works Week. This resolution recognizes and celebrates the important contributions that public works professionals make to improve the public infrastructure of the United States.

Hearings

During the 110th Congress, the Committee on Transportation and Infrastructure held 22 full committee hearings.

FY 2008 President's Budget Request for the Department of Transportation and Environmental Protection Agency

On February 8, 2007, the Committee on Transportation and Infrastructure held a hearing on the fiscal year ("FY") 2008 President's Budget Request for the Department of Transportation ("DOT") and the Environmental Protection Agency ("EPA"). Due to a lengthy interruption for Floor votes, the EPA portion of this hearing was postponed until the February 14, 2007 Subcommittee on Water Resources and Environment hearing on Agency Budgets and Priorities for FY 2008.

The Committee received testimony from Secretary of Transportation Mary Peters regarding the FY 2008 budget request for DOT programs. The Administration requested a total of $67 billion for DOT in FY 2008, including $40.3 billion for the Federal Highway Administration, $14.1 billion for the Federal Aviation Administration, and $9.4 billion for the Federal Transit Administration. This request would have provided DOT as a whole with essentially the same total funding level as in FY 2007. For aviation, the FY 2008 budget request proposed to transform the FAA's current excise tax financing system to a cost-based user fee system, and reduce funding for the Airport Improvement Program by 22 percent below FY 2007. Regarding surface transportation, the funding guarantees established by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users ("SAFETEA–LU") were not met. Rather, the FY 2008 request proposed to cancel $631 million in Revenue Aligned Budget Authority for highway and highway safety programs, and reduce funding for transit programs by $309 million below the guaranteed level. For Amtrak, the Administration requested $500 million for capital grants, $272 million less than FY 2007, and proposed to zero-out operating funds, substituting instead $300 million for "Efficiency Incentive Grants".

Proposals To Downsize the Federal Protective Service and Effects on the Protection of Federal Buildings

On April 18, 2007, the Committee on Transportation and Infrastructure held a hearing on the Department of Homeland Security's plan to reduce the number of Federal Protective Service ("FPS") officers and their presence at Federal buildings nationwide. The Committee was extremely concerned with the effects of the DHS downsizing plan on FPS' ability to provide law enforcement and security services at more than 8,900 federally owned and leased facilities throughout the United States, totaling approximately 352 million square feet of space, and housing more than 1.1 million Federal personnel. In addition to concerns regarding the DHS proposal to downsize FPS, the hearing examined whether FPS, like the Federal Emergency Management Agency, lost its focus on core capabilities since being placed within the Department of Homeland Security. The Committee remained concerned with the placement of FPS within the Immigration and Customs Enforcement ("ICE") component of DHS. Congress later passed Public Law 110–329 requiring FPS to maintain a force of 1,200.

COMPLIANCE WITH REQUIREMENTS OF THE COAST GUARD'S DEEPWATER CONTRACT

The Integrated Deepwater Program ("Deepwater") is a series of procurements being undertaken by the U.S. Coast Guard ("USCG") to replace or upgrade its major surface and aviation assets. The procurements are expected to cost $25 billion and take 24 years to complete from the date of the program's inception (2002). The early years of the Deepwater program produced a series of failed procurements, including the failure of an effort to lengthen 110-foot patrol boats to 123 feet, which yielded eight vessels with such extensive hull anomalies they were unsafe to operate and had to be removed from service.

The Committee on Transportation and Infrastructure met on April 18, 2007, to review the results of an investigation of the Deepwater program that probed deeply into the contract management and decision-making processes within the USCG and its contractor partner, Integrated Coast Guard Systems ("ICGS"), comprised of Lockheed Martin Corporation and Northrop Grumman Corporation. The investigation found that the USCG was warned of flaws in the designs proposed to be used to lengthen the 110–foot patrol boats by the U.S. Navy long before the design was finalized. However, offers by the Navy to assist in the evaluation of the initial conversion design or in the investigation and resolution of cracks that occurred in the ships after they were converted were not accepted by the USCG.

The investigation also found that in some cases, substandard information technology equipment was installed on the lengthened patrol boats. For example, "topside" (meaning on the top/outside of the ship) equipment was installed on the 123-foot patrol boats (known as "123s") and on a small boat launched from the 123s that did not meet Deepwater contract specifications and that may not have been operational in all weather conditions that the 123s and the small boats were expected to encounter. In addition, cameras were installed on the 123s that did not provide a 360-degree field of view around the vessels. Finally, records indicate that there were irregularities in the process for testing and certifying the 123s for compliance with TEMPEST standards, which are designed to prevent the leak of classified information.

Testimony presented at the hearing suggested that these problems occurred in large measure because the USCG was operating under a paradigm that required rigid adherence to an aggressive schedule, which was commonly referred to within the USCG as "ruthless execution", and which generated bad decisions, design compromises, and the use of the below-standard equipment. Additionally, the USCG failed to properly manage the contracts associated with procurements undertaken in the early years of the Deepwater program—in large part because it did not have an adequate number of properly trained contract and acquisitions management personnel on staff to oversee its contractors.

The hearing resulted in extensive media coverage, including CBS News' 60 Minutes. That same week, the USCG removed ICGS as the lead systems integrator ("LSI") of the Deepwater program and announced plans to create an Acquisitions Directorate, which

would ultimately take over all LSI responsibilities. The USCG is seeking $96 million in reimbursement from ICGS.

As a result of the investigation, Coast Guard Subcommittee Chairman Elijah E. Cummings introduced H.R. 2722, the "Integrated Deepwater Program Reform Act". The Committee reported the bill and, on July 31, 2007, the House passed H.R. 2722 by a vote of 426–0. The Senate passed a similar bill in December 2007. However, the differences between the House and Senate bills were not resolved at the close of the 110th Congress.

On May 7, 2008, the USCG accepted delivery of National Security Cutter #1, Bertholf. Again, there are deficiencies in the classified C4ISR systems, and the ship has not yet been TEMPEST certified. The Committee continues to monitor the National Security Cutter program, as well as the overall Deepwater Program.

ADMINISTRATION PROPOSALS ON CLIMATE CHANGE AND ENERGY INDEPENDENCE

On May 11, 2007, the Committee heard testimony from the Secretary of Transportation, the Administrator of the Environmental Protection Agency, the Administrator of the General Services Administration ("GSA"), the Assistant Secretary of the Army for Civil Works for the U.S. Army Corps of Engineers ("Corps"), the Acting Architect of the Capitol, and the Chief Administrative Officer of the House of Representatives on executive and legislative branch proposals and actions on "Administration Proposals on Climate Change and Energy Independence".

Members of the Committee and witnesses acknowledged the threat caused by climate change, the role of man-made emissions in causing climate change, and energy-related policy challenges. Witnesses from the Administration testified on climate change and energy efficiency actions and proposals. The Architect of the Capitol and the Chief Administrative Officer of the House of Representatives noted actions taken to make the Capitol complex more energy efficient. The Administrator of GSA testified on GSA actions to encourage energy efficiency in Federal buildings. The Administrator of EPA noted the Administration's goals regarding climate change, and described EPA programs to encourage energy efficient behavior. The Secretary of Transportation noted several transportation-related energy efficiency programs. The representative from the Corps spoke about the need to adapt to the impacts of climate change.

CLIMATE CHANGE AND ENERGY INDEPENDENCE: TRANSPORTATION AND INFRASTRUCTURE ISSUES

On May 16, 2007 the Committee on Transportation and Infrastructure received testimony from witnesses testifying on "Climate Change and Energy Independence: Transportation and Infrastructure Issues" for surface transportation, public buildings, aviation, and water resources and maritime transportation.

Members of the Committee and witnesses acknowledged the interconnections between energy challenges and climate change. This hearing provided perspectives and proposed policy responses from a variety of groups and stakeholders. Climate change impacts

threaten various components of the nation's transportation infrastructure, as well as the nation's water resources. Similarly, the increasing cost of oil creates incentives to develop alternative energy sources and rely and develop some under-utilized transportation modes. Witnesses representing a variety of perspectives offered recommendations on energy and transportation alternatives to the status quo.

STATUS OF THE NATION'S WATERS, INCLUDING WETLANDS, UNDER THE JURISDICTION OF THE FEDERAL WATER POLLUTION CONTROL ACT

On July 17 and July 19, 2007, the Committee on Transportation and Infrastructure received testimony from the Governor of Montana, state officials, a former Administrator of the Environmental Protection Agency, and various legal scholars, scientists and stakeholders regarding the "Status of the Nation's Waters, including Wetlands, Under the Jurisdiction of the Federal Water Pollution Control Act".

Congress enacted the Federal Water Pollution Control Act Amendments of 1972, now more commonly known as the Clean Water Act, to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." To achieve this goal, section 301 of the Act generally prohibits the "discharge of any pollutant by any person", except as specifically authorized under a permit issued pursuant to the Act. While the goals of the Clean Water Act speak to the restoration and maintenance of the nation's waters, the permitting and definitional provisions of the Act refer to discharges into "navigable waters", defined as "[meaning] the waters of the United States, including the territorial seas."

Until recently, the Corps of Engineers and EPA broadly interpreted the Clean Water Act's authority over waters, including wetlands, both in terms of traditional point source discharges (section 402) and dredged and fill activities (section 404). However, in 2001 and 2006, the U.S. Supreme Court issued two rulings that called into question the authority of the Corps and EPA to regulate discharges of pollutants into the nation's waters.

Generally speaking, all of the witnesses who testified at the hearing commented on the legal controversy caused by the two Supreme Court decisions, and the jurisdictional and regulatory confusion that has resulted from these decisions for the entirety of the Act, including both point source discharges and dredge and fill activities. However, the various witnesses differed on their suggested resolution to this controversy and confusion. Several witnesses recommended the enactment of legislation to restore the jurisdictional scope of the Clean Water Act that existed prior to the two Supreme Court decisions; other witnesses suggested that the controversy and confusion would best be addressed through an administrative rulemaking or interpretative guidance.

STRUCTURALLY DEFICIENT BRIDGES IN THE UNITED STATES

On September 5, 2007, the Committee held a hearing on structurally deficient bridges on the National Highway System. This hearing was held in the wake of the collapse of the I–35W Bridge

in Minneapolis, Minnesota to discuss steps that must be taken to ensure the safety of our nation's bridge inventory. At 6:05 p.m. on August 1, 2007, the I–35W Bridge in Minneapolis, Minnesota, collapsed into the Mississippi River, killing 13 people. Following this tragedy, public awareness of the deteriorating conditions of our nation's bridges increased greatly.

Bridges are considered structurally deficient if significant load-carrying elements are found to be in poor or worse condition due to deterioration and/or damage. According to the U.S. Department of Transportation, one of every eight bridges in the nation is structurally deficient. Of the 597,766 bridges in the United States, 152,316 bridges are deficient, including 72,524 structurally deficient bridges and 79,792 functionally obsolete bridges. According to DOT, more than $65 billion could be invested immediately in a cost-beneficial way, by all levels of government, to replace or otherwise address existing bridge deficiencies.

The high percentage of deficient bridges and the large existing backlog are, in part, due to the age of the network. One-half of all bridges in the United States were built before 1964. Interstate System bridges, which were primarily constructed in the 1960s, pose a special challenge because a large percentage of these bridges are in the same period of their service lives (e.g., 44 percent of these bridges were constructed in the 1960s). The Highway Bridge Program provides funding to enable States to improve the condition of their highway bridges through replacement, rehabilitation, and systematic preventive maintenance. The apportioned funds are distributed according to a formula based on each State's relative share of the total cost to repair or replace deficient highway bridges.

The Committee heard testimony from the U.S. Secretary of Transportation, the Mayor of Minneapolis, Minnesota, state departments of transportation, county engineers, and stakeholder groups.

RAIL COMPETITION AND SERVICE

On September 25, 2007, the Committee held a hearing to examine the state of competition and service for rail customers. Today, most observers agree that the Staggers Act of 1980, which partially deregulated the railroad industry, has been profoundly beneficial for the freight rail industry. A 2006 Government Accountability Office ("GAO") report examining the health of the freight railroad industry found that its financial health has improved substantially as railroads have cut costs by streamlining their workforces, right-sizing their rail networks, and reducing track miles, equipment, and facilities to more closely match demand. Freight railroads have also expanded their business into new markets—such as the intermodal market and implemented new technologies, including larger cars. Over the past 10 years, the seven Class I railroads have reported progressively greater income.

These gains for the railroads have come at a price for shippers. According to GAO, the railroads are shifting more costs to the shippers. For example, GAO reports that a 20 percent shift has occurred in railcar ownership since 1987. GAO also found that in 2005, the amount of industry revenue reported as "miscellaneous" nearly tripled over 2004 levels. Railroads have also been charging shippers, in particular captive shippers, higher rates. While GAO

reports that the amount of captive traffic traveling at rates greater than 180 percent of the variable cost of transporting a shipment and the revenue generated from that traffic have both declined since 1995, the tonnage from traffic traveling at rates substantially over the threshold for rate relief has increased.

The Surface Transportation Board ("STB" or "Board") is the economic regulatory agency that Congress charged with the fundamental missions of resolving railroad rate and service disputes and reviewing proposed railroad mergers. While the STB reports that it has taken action recently to make many of its rate dispute processes more accessible to shippers, GAO reported in 2006 that many of these processes have proven to be inaccessible to shippers because the processes remain expensive, time consuming, and complex.

At the hearing, GAO testified that the STB should undertake a number of initiatives to address shipper concerns. These initiatives include requiring greater reporting of freight railroads revenues, especially miscellaneous revenues. GAO also stated that it is too soon to evaluate recent steps taken by the STB to improve its rate relief process. The Chairman of the STB listed a number of activities that the Board has undertaken to improve its services for shippers, including a rulemaking on the railroads' cost of capital, commissioning a study on competition in the rail industry, and a rulemaking on interchange agreements, also known as "paper barriers". A Commissioner of the STB observed that the Staggers Act did not "de-regulate" the railroads, but instead "mostly de-regulated" the railroads. The Chief Executive Officer ("CEO") of the National Rural Electric Cooperative Association testified that high costs and unreliable service have become the accepted norm for most railroad companies and shippers simply have nowhere to turn. He testified that in recent years, shippers have been unable to get any rate relief when their rates amount to three to five times—or more—the direct cost of moving the freight in question. The President and CEO of the Union Pacific Railroad, meanwhile, testified that the railroad industry agrees with the current regulatory scheme, but any change to the railroads rate structure will impact how they can expand their networks to meet growing demand.

THE 35TH ANNIVERSARY OF THE CLEAN WATER ACT: SUCCESSES AND FUTURE CHALLENGES

On October 18, 2007, the Committee held a hearing to commemorate the 35th anniversary of the Federal Water Pollution Control Act Amendments of 1972, more commonly referred to as the Clean Water Act. The Committee heard testimony from representatives of Federal, state, and local governments, industry, construction utilities, and nongovernmental organizations.

This hearing focused on the historical underpinnings of the Clean Water Act's goal to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters," progress made during the 35-year history of the Act, and remaining challenges to meeting the Act's goals. A wide variety of witnesses recognized that the Act has made significant improvements to water quality throughout the nation; however, one-third of the nation's waters re-

main impaired after more than three decades of effort. Witnesses identified key challenges for the future of the Clean Water Act, including the escalating wastewater infrastructure needs (estimated to be between $300 billion and $400 billion over the next 20 years), the jurisdictional uncertainty created by two recent Supreme Court decisions, stormwater and other wet weather discharge concerns, and water-related challenges posed by global climate change.

THE IMPACT OF RAILROAD INJURY, ACCIDENT, AND DISCIPLINE POLICIES ON THE SAFETY OF AMERICA'S RAILROADS

On October 25, 2007, the Committee on Transportation and Infrastructure held a hearing to examine the impact of railroad injury, accident reporting, and discipline policies on rail safety. The Oversight and Investigations ("O&I") staff conducted an in-depth investigation of railroad employee injury reporting practices. The purpose of this hearing was to examine allegations contained in hundreds of reports from rail employees collected and reviewed by O&I staff suggesting that railroad safety management programs sometimes either subtly or overtly intimidate employees from reporting on-the-job injuries.

It was alleged that many Class I railroads have management programs and policies that inhibit or intimidate employees into not reporting on-the-job injuries. Thus, many injury accidents, that are required to be reported to the Federal Railroad Administration ("FRA"), may be never reported as a result. It is alleged that railroad management personnel invoke pressure upon employees in three common ways: 1) by "counseling" them not to file an injury report in the first place, subtly suggesting that it might be in their "best interests" not to do so; 2) by finding employees exclusively at fault for their injuries and administering discipline; and 3) by subjecting employees who have reported injury accidents to increased performance monitoring, performance testing, and often followed by subsequent disciplinary action up to, and including, termination.

O&I staff examined many of the Class I railroads' safety management policies for dealing with employee injuries. All of these programs certainly appear intent on preventing injuries, but it is also clear that these programs may create "unintended consequences". A major unintended consequence is that employees generally perceive intimidation to the extent that those who are injured in rail incidents are often afraid to report their injuries or seek medical attention for fear of being terminated or severely disciplined. Many of the reports compiled by staff suggest that railroad employees often find themselves the targets of a higher degree of management scrutiny immediately after filing an injury report. The railroads argue that these are "counseling programs" intended to prevent future injuries, but the programs are often perceived by employees as intimidation which inhibits the reporting of injuries in order to escape inevitable management attention in the aftermath of an injury report. Railroads are incentivized to keep their injury reports down in order to escape scrutiny from the FRA.

O&I staff reviewed all of the most recent FRA "Comprehensive Accident/Incident Recording Keeping Audits" conducted under Part 225 of the FRA regulations for the Class I railroads. According to these audits, FRA found 352 violations for underreporting, with the

largest category representing failures to report employee injuries. It is important to recognize that this represents the number of underreported injury events that FRA was able to identify by auditing railroad records, but this number does not represent the number of injuries that may have never been reported by employees. In a discussion with O&I staff, the FRA Associate Administrator for Safety stated that she believed that supervisory pressure on employees to not report injuries is a significant issue. When the FRA receives complaints on this subject, it does investigate these reports. The Associate Administrator maintained that FRA simply does not have the resources to investigate the extent of the "harassment" issue.

In 2007, Congress enacted the 9/11 Commission Act of 2007 (P.L. 110–53), which strengthens whistleblower protections for rail workers and contains provisions to strengthen the protection of rail workers against management harassment.

NATIONAL SURFACE TRANSPORTATION POLICY AND REVENUE STUDY COMMISSION REPORT

On January 17, 2008, the Committee held a hearing to receive testimony from members of the National Surface Transportation Policy and Revenue Study Commission ("Commission") regarding the Commission's recommendations on preserving and enhancing the nation's intermodal surface transportation system to meet future mobility, economic and quality of life needs. Congress established the Commission by section 1909 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users. The Commission was tasked with forecasting the surface transportation system necessary to support our economy 50 years in the future. The 12-member Commission met 22 times, including 10 field hearings across the country as well as 12 meetings in Washington, DC, to hear about the challenges facing America's surface transportation network. Throughout this process, the Commissioners heard testimony from 293 witnesses representing a wide range of perspectives across the broad spectrum of stakeholders. Witnesses included national transportation advocates, policymakers, industry, labor, and from the general public. The Commission outlined its findings and recommendations in its report, Transportation for Tomorrow. The purpose of the report was to assist Congress as it formulates short-, medium-, and long-term strategies necessary to achieve these goals, as well as mechanisms to finance the investments necessary to meet these goals.

In the report, the Commission calls for a "new beginning", and expresses concerns with reauthorizing the Federal surface transportation program in its current form. To address this concern, the report recommends consolidating the more than 100 current federal surface transportation programs down to ten focus areas. The ten focus areas are based on a desired outcome, as opposed the current modal organization.

Overall, the report calls for an annual investment level of between $225 billion and $340 billion—by all levels of government and the private sector—over the next 50 years to upgrade all modes of surface transportation, including highways, bridges, public transit, freight rail and intercity passenger rail. To achieve this

level of investment in the short term, the Commission calls for raising the motor fuel user fees by between 25 and 40 cents per gallon, which the report states will be a viable revenue source until 2025. The increase would be phased in over a number of years, and would be indexed to inflation and construction material costs. The Commission also calls for identifying an alternative user fee revenue source to be phased in beyond the 2025 timeframe, and highlights a vehicle miles traveled-based fee as a possible option.

The Committee received testimony outlining the recommendations in the report from the Commissioners that voted to support the final report.

REVIEWING THE RECOMMENDATIONS OF THE NATIONAL SURFACE TRANSPORTATION POLICY AND REVENUE STUDY COMMISSION

On February 13, 2008, the Committee held the second of two hearings on the Commission report to receive testimony from dissenting members of the National Surface Transportation Policy and Revenue Study Commission, and discuss their objections to the recommendations outlined in the Commission's report, Transportation for Tomorrow. The Committee heard from the three members of the Commission, including the Chair of the Commission, Secretary of Transportation Mary Peters, who did not support the report's recommendations. The minority witnesses cited the decline in system performance and the politicization of investment decisions as today's most pressing transportation problems, and recommended using the principle of supply and demand to solve them instead.

CRITICAL LAPSES IN FAA SAFETY OVERSIGHT OF AIRLINES: ABUSES OF REGULATORY "PARTNERSHIP PROGRAMS"

On April 3, 2008, the Committee held a hearing on critical lapses in FAA regulatory oversight: abuses of regulatory partnership programs. The hearing was a result of an investigation by the O&I Majority staff that revealed major systemic problems in FAA regulatory oversight, and the development of an overly "cozy" relationship between the FAA and the airlines it is charged with regulating. Minority staff had no role in the conduct of the Committee's investigation of this matter and issued a separate Summary of Subject Matter memorandum for this hearing. At the time of the hearing, the DOT IG had not fully completed his investigation. Therefore, Minority staff believed it was premature to reach any conclusion about a pattern of regulatory abuse.

This investigation was stimulated by two FAA inspectors, who provided evidence of major violations of Federal Aviation Regulations. The evidence documented that the FAA maintenance supervisor for Southwest Airlines ("SWA") knowingly allowed the airline to operate aircraft in passenger service in March 2007, well after the inspection deadlines on mandatory Airworthiness Directives ("ADs"). The evidence presented at the hearing demonstrated a systematic pattern of failure to exercise the required regulatory oversight by the FAA office overseeing SWA, and to ensure carrier compliance for years prior to this occurrence. It also suggested that FAA senior management was aware of these abuses of the regulations for nearly a year prior to their disclosure in March 2008 and

were seeking to cover it up. On March 6, 2008, the FAA notified SWA of a $10.2 million civil penalty action because of AD violations. Subsequently, SWA grounded an additional 41 planes for inspections.

At the hearing and shortly thereafter, the FAA acknowledged significant lapses in oversight, continued the inspection crackdown, placed several supervisors on administrative leave, and grounded more than 700 aircraft at several major airlines, which resulted in thousands of flight cancellations.

On April 18, 2008, the Secretary announced numerous reforms and appointed an Independent Review Team ("IRT") to evaluate the findings of this investigation and to make recommendations for FAA reform. On September 2, 2008, the IRT presented their report to the Secretary and made 13 recommendations in response to the findings of this investigation. The Secretary has directed the Acting FAA Administrator to implement these recommendations.

On July 22, 2008, the House passed H.R. 6493, "The Aviation Safety Enhancement Act of 2008", to specifically address many of the issues that were uncovered by the Committee's investigation and hearing and the DOT IG's recommendations.

THE CLEAN WATER RESTORATION ACT OF 2007

On April 16, 2008, the Committee held a hearing entitled "The Clean Water Restoration Act of 2007". The Committee heard from the Environmental Protection Agency, the Department of Justice, the Department of Agriculture's Natural Resources Conservation Service, representatives of State and local governments, environmental, agricultural, and industry interests, legal practitioners, and other stakeholders on the Clean Water Restoration Act of 2007.

On May 22, 2007, Chairman James L. Oberstar, Congressmen John D. Dingell and Vernon J. Ehlers, and 155 additional Members of Congress introduced H.R. 2421, the "Clean Water Restoration Act of 2007". This legislation amends the Clean Water Act by substituting the phrase "navigable waters" with its existing definition "waters of the United States" to restore protections over the nation's waters that existed prior to two Supreme Court decisions on the jurisdictional reach of the Act. The phrase "waters of the United States" has been part of the Clean Water Act since its enactment in 1972, but its commonly-understood meaning has been defined for decades through Federal agency regulations.

Several witnesses testified in support of the Clean Water Restoration Act as necessary to restore the comprehensive protections provided by the Clean Water Act in meeting its goal to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters" and to restore the regulatory certainty for both Federal and State-managed Clean Water Act programs that existed for almost three decades prior to the two Supreme Court decisions. Other witnesses expressed concern with the Clean Water Restoration Act, suggesting that the proposed definition of "waters of the United States" is ambiguous and has the potential for Clean Water Act jurisdiction to be interpreted far more broadly than was understood in 2001.

FINANCING INFRASTRUCTURE INVESTMENTS

On May 8, 2008, the Committee held a joint hearing with the Committee on the Budget to examine methods for financing investment in our nation's infrastructure, including roads, bridges, public transportation, aviation, ports, waterways, and wastewater infrastructure. The Committee on Transportation and Infrastructure subsequently held a second hearing on this topic on June 10, 2008. Adequate investment in our transportation and other public infrastructure is critical to our nation's economic growth, our competitiveness in the world marketplace, and the quality of life in our communities. Despite the importance of these investments, many of our nation's infrastructure needs are going unmet. The hearings examined various legislative proposals to increase funding for infrastructure, including proposals to create a national infrastructure bank, as well as the issue of capital budgeting.

At the May 8, 2008 hearing, the Committees received testimony from the Congressional Budget Office ("CBO") and the Government Accountability Office. CBO Director Orszag outlined several issues to consider when creating charter banks, corporations, or other special-purpose entities to help finance investment in infrastructure outside of the annual appropriations process. The first issue is governance structure, and the trade-off between Federal control on the one hand, and budgetary status and budget scoring on the other. The more authority that Congress or the Administration has over project selection, fund-raising, and other management choices of an entity, the more likely the entity is to be considered part of the Federal budget, and its spending scored accordingly. Conversely, the activities of an entity that is essentially independent of Federal control would not be recorded in the budget, but such an entity would be subject to little if any control over its operations. The second issue to consider regarding special-purposes entities is the cost of capital. Because Treasury securities are highly liquid and free of default risk, any given Federal share of project costs could be provided at lower budgetary cost through a program funded by appropriations or direct spending, rather than through bonds issued by a special entity. In addition, both CBO and GAO addressed the issue of capital budgeting, and noted the possibility that more limited reform of the current budget process might accomplish many of the goals of capital budgeting, while being simpler to implement.

On June 10, 2008, the Committee received testimony from two additional panels of witnesses. The first panel consisted of Members of Congress who have been leaders in this issue, including sponsors of legislation that would create "infrastructure bank"-type entities or otherwise increase infrastructure investment. The second panel consisted of financial and budget experts from the private and non-profit sectors who commented on the infrastructure bank proposals, as well as the issue of capital budgeting.

FMCSA'S PROGRESS IN IMPROVING MEDICAL OVERSIGHT OF COMMERCIAL DRIVERS

The National Highway Transportation Safety Administration reported in 2007 that approximately 4,000 commercial vehicle accidents were caused by driver illness or incapacitation. In 2001, the

National Transportation Safety Board ("NTSB") made eight recommendations to the Federal Motor Carrier Safety Administration ("FMCSA") to improve medical oversight of commercial drivers. The recommendations have been on the NTSB's "Most Wanted" list of safety improvements since 2003. The Committee investigated the extent to which FMCSA has addressed these recommendations. To determine the prevalence of serious medical conditions in the commercial driving population, the Government Accountability Office matched the database of commercial drivers to four Federal disability benefit databases. GAO found that more than one-half million of those drivers are currently receiving 100 percent medical disability. Of the 15 cases that their investigators profiled in detail, not one had received a careful evaluation by a medical examiner.

On July 24, 2008, the Committee held a hearing to question FMCSA about significant delays in addressing NTSB recommendations. All of the recommendations remain open and NTSB rates FMCSA's overall response to the recommendations "unacceptable". Committee staff also issued a report on its own investigation into the veracity of more than 600 medical certificates. We found that in five percent of the sample, the medical examiner who "signed" the medical certificate reported that the certificate was invalid (i.e., forged, altered, or otherwise falsified); or staff were unable to locate a medical professional with the name, license number, and phone number recorded on the certificate. Since the Committee's hearing, FMCSA has issued a final rule linking the medical certificate to the state commercial licensing process and a Notice of Proposed Rulemaking to establish a national registry of certified medical examiners who will be qualified to conduct the required commercial driver medical exams.

HEARING ON H.R. 6706, THE "TAKING RESPONSIBLE ACTION FOR COMMUNITY SAFETY ACT"

On September 9, 2008, the Committee held a hearing to discuss H.R. 6707, the "Taking Responsible Action for Community Safety Act".

A recently filed merger application by the Canadian National Railway ("CN") has called attention to the need for enhancing the authority of the STB. CN is seeking the Board's approval to acquire control of the Elgin, Joliet, and Eastern Railway Company ("EJ&E"). If the Board approves CN's application, the railroad will divert traffic on three of its lines running through Chicago, Illinois, onto the EJ&E's main line, a 198-mile line that encircles the City of Chicago. CN contends that this will lead to faster transit times, better service, decreased rail traffic in the City of Chicago, and improved flow of rail traffic in the region. However, the transaction will also lead to significant increases in rail traffic along the EJ&E, posing new risks to the communities along that line.

The primary purpose of H.R. 6707 is to establish that when the Surface Transportation Board considers a merger involving a Class I railroad and a Class II or III railroad the Board has the power to disapprove the merger if the Board finds that the adverse environmental effects of the merger outweigh its transportation or other benefits. Under current law, the Board has the authority to disapprove a merger involving at least two Class I carriers if the

transaction is not consistent with the public interest, but the STB has never disapproved a Class I merger on environmental grounds. Some STB staff believe that under existing law the Board also has authority to disapprove a merger involving a Class II or Class III rail carrier on environmental grounds. However, there is a provision in existing law indicating that in a merger involving a Class II or Class III rail carrier, the Board can only disapprove the merger if it would have adverse competitive effects. Additionally, it is not clear whether the Board Members share the staff's view that they have authority under existing law to disapprove a merger involving a Class II or Class III rail carrier on environmental grounds. If the Board did take this position, there is a substantial possibility that a reviewing Court would not accept their interpretation of existing law.

The Chairman of the STB testified at the hearing that H.R. 6707 raises "a legal issue of first impression that has not been addressed by the Board or any court." The President and CEO of CN testified that the legislation would direct the STB to mix its competition with its environmental review to the effect of impeding important national transportation policy concerns. The President of the Village of Barrington testified that the STB's treatment of past merger and acquisition transactions illustrates that it doubts whether it has the authority to reject such transactions on environmental grounds. Additionally, the Executive Director of the Northwestern Indiana Regional Planning Commission testified that the large number of detrimental environmental impacts to the communities along the EJ&E line necessitated that the ambiguity of the Board's authority to weigh environmental impacts of proposed mergers be clarified.

Effects of Proposed Arrangement Between DHL and UPS on Competition, Customer Service, and Employment

On September 16, 2008, the Committee held a hearing to examine the effects of the proposed arrangement between DHL and UPS on competition, customer service, and employment. DHL Express ("DHL") and the United Parcel Service ("UPS") are competitors in providing air express package delivery service, in which packages are generally picked up by trucks, moved by air, and then delivered to the ultimate destination by truck. Because DHL is a German company, it is restricted from operating its own air carrier in the United States. For the past few years, DHL contracted with two U.S. air carriers (ABX Air and ASTAR) to provide the airlift portion of its service. DHL was experiencing severe economic losses and contended that it was too costly for it to contract with two separate air carriers. Therefore, on May 28, 2008, DHL and UPS announced that they intended to enter into an agreement for UPS to provide airlift transportation services for DHL's domestic express and international package volume in the United States, and between the United States, Mexico, and Canada.

DHL testified that this agreement would be the only way that it could continue to maintain its presence in the U.S. market due to the economic losses that is has experienced. The proposal has drawn attention because DHL is trying to remain a competitor with UPS, while also handing over its airlift operations to UPS.

Moreover, the City of Wilmington, Ohio, where DHL's hub is located, was estimated to lose approximately 10,000 jobs and revenue if this deal is consummated. As of the hearing date, DHL and UPS had not consummated an agreement.

During the hearing, numerous concerns were raised about the effects of the proposed agreement on the express delivery market, including antitrust and anticompetitive concerns. DHL testified that they have no intention of leaving the U.S. market and that this agreement would allow them to remain a viable competitor. Officials from Ohio, including the Mayor of Wilmington, Senator Brown, and the Lt. Governor, ABX, and ASTAR all testified that they would be willing to work with DHL and its air service providers to find an alternative plan to keep DHL's hub in Wilmington and to keep the thousands of jobs in the community. Some also contended that the arrangement would be the first step to DHL's complete withdrawal from the United States.

On November 10, 2008, DHL announced it was closing its U.S. domestic air and ground business.

NATIONAL MEDIATION BOARD OVERSIGHT OF ELECTIONS FOR UNION REPRESENTATION

On September 24, 2008, the Committee held a hearing on the National Mediation Board's ("NMB") oversight of elections for union representation. The NMB is an independent Federal agency that administers the specific terms of the Railway Labor Act ("RLA") governing the representation of workers and mediation and arbitration of collective bargaining disputes in the rail and aviation industries. In an NMB election, a majority of workers in a given craft or class eligible to vote in an election must participate in an election. The determination of the list of who is eligible to vote is therefore a critical part of the process. Every employee eligible to vote starts off the election as a presumed vote against representation, and those who do not vote are counted as votes against the union. If a majority of all eligible employees do not vote, it is not possible for a union to win the election, even if all employees voting choose representation. This process differs from the rules applicable to workers in other private industries governed by the National Labor Relations Act ("NLRA"), where a simple majority of the votes cast determines the outcome of the election. Testimony from the three current NMB Members provided an overview of the NMB election process and how the NMB investigates cases of alleged unlawful interference.

Patricia Friend, President of the Association of Flight Attendants-CWA ("AFA–CWA"), testified about two recent organizing campaigns by AFA–CWA at Delta Airlines. In 2001, AFA–CWA filed for representation of flight attendants, but the election was not certified because less than 50 percent of Delta flight attendants participated in the election. AFA–CWA filed a motion for a determination of interference by Delta management with the NMB, based on allegations that during the voting period Delta engaged in an anti-union campaign. The NMB investigated but did not find carrier interference. On February 14, 2008, AFA–CWA again applied for representation of flight attendants at Delta Airlines but did not receive 50 percent participation. On June 6, 2008, AFA–

CWA filed a motion for a determination of interference by Delta management with the NMB. The NMB had not ruled on the case at the time of the hearing.

In her testimony, Ms. Friend detailed alleged interference by Delta in the 2008 election by harassing, interrogating, and placing employees who supported the campaign under surveillance, as well as conferring benefits on flight attendants during the election. Witnesses also discussed the NMB's discretion to interpret and apply its rules during a representation election. Ms. Friend questioned whether the NMB uniformly enforces its rules with respect to developing the list of eligible voters. In particular, the NMB's decisions to allow furloughed employees, those who had elected to leave the company through an "early out" program prior to the election, and in one instance, a deceased flight attendant, to remain on the list of eligible voters and participate in the election were discussed.

The NMB Chair responded that the Board had followed NMB precedent on matters related to the recent organizing campaigns by AFA–CWA at Delta Airlines.

INVESTING IN INFRASTRUCTURE: THE ROAD TO RECOVERY

On October 29, 2008, the Committee held a hearing to examine how infrastructure investment contributes to job creation and economic recovery. With almost one million construction workers out of work, and the construction industry suffering the highest unemployment rate of any industrial sector, the hearing was part of a larger effort to develop an expanded job creation and economic recovery initiative, which would include infrastructure investment as one component. The hearing addressed all types of infrastructure within the Committee's jurisdiction, including highways, bridges, public transportation, rail, aviation, ports, waterways, wastewater treatment facilities, and Federal buildings. The Committee received testimony from 19 witnesses, representing all areas of the country and all types of infrastructure. The witnesses ranged from State and local officials, to representatives of construction contractors, suppliers, and the Building Trades. The witnesses uniformly urged the Committee to provide additional funds for infrastructure investment. The witnesses testified to the existence of large backlogs of unfunded, ready-to-go construction projects that, if funded, could create good American jobs and yield lasting benefits in terms of improvements to our nation's infrastructure.

SUMMARY OF ACTIVITIES FOR THE SUBCOMMITTEE ON AVIATION

During the 110th Congress, the Subcommittee on Aviation, chaired by Representative Jerry F. Costello, with Representative Thomas Petri serving as Ranking Member, held 28 hearings (218 witnesses and approximately 89 hours) and nine briefings and roundtables, covering the breadth of issues within the jurisdiction of the Subcommittee.

The Committee on Transportation and Infrastructure developed major legislation, H.R. 2881, the "Federal Aviation Administration Act of 2007", to reauthorize the Federal Aviation Administration ("FAA") and provide $66 billion over four years for FAA programs. H.R. 2881 passed the House of Representatives on September 20, 2007. The Senate did not complete action on the legislation.

The following bills and resolutions were enacted in the 110th Congress:

Public Law 110–135, the Fair Treatment for Experienced Pilots Act,

Public Law 110–190, the Airport and Airway Extension Act of 2008,

Public Law 110–253, the Federal Aviation Administration Extension Act of 2008,

Public Law 110–330, the FAA Extension Act of 2008, Part II,

Public Law 110–405, the Air Carriage of International Mail Act,

Public Law 110–337, to amend title 49, United States Code, to expand passenger fee eligibility for certain noise compatibility projects,

H. Res. 444, supporting the goals and ideals of National Aviation Maintenance Technician Day, honoring the invaluable contributions of Charles Edward Taylor, regarded as the father of aviation maintenance technicians in ensuring the safety and security of civil and military aircraft, and

H. Res. 661, honoring the accomplishments of Barrington Antonio Irving, the youngest pilot and first person of African descent ever to fly solo around the world.

Other bills that passed the House include:

H.R. 2881, the "Federal Aviation Administration Act of 2007",

H.R. 6493, the "Aviation Safety Enhancement Act of 2008",

H.R. 3540, the "Federal Aviation Administration Extension Act of 2007",

S. 2265, to extend the existing provisions regarding the eligibility for essential air service subsidies through fiscal year 2008, and for other purposes, and

H.R. 1333, to amend the Homeland Security Act of 2002 to direct the Secretary to enter into an agreement with the Sec-

retary of the Air Force to use Civil Air Patrol Personnel and resources to support homeland security missions.

Finally, on September 28, 2008, the Committee reported H.R. 5788, the "Halting Airplane Noise to Give Us Peace Act of 2008", favorably to the House. No further action was taken on the legislation.

Public Laws and House Resolutions

FAIR TREATMENT FOR EXPERIENCED PILOTS ACT

Public Law 110–135

(H.R. 4343)

December 13, 2007

The Fair Treatment for Experienced Pilots Act (P.L. 110–135) changes FAA regulations that require pilots to retire at age 60. The law allows pilots to serve in a multi-crew part 121 operation until age 65. On international flights, pilots over the age of 60 may pilot the plane only if there is another pilot in the flight deck crew who is under age 60, in accordance with current International Civil Aviation Organization ("ICAO") standards.

This law does not apply to any person who has attained 60 years of age before the date of enactment of this section unless the person was, on the date of enactment, a required flight crew member (i.e., a pilot, co-pilot, or flight engineer) or such person was hired by an air carrier as a pilot on or after enactment date without credit for prior seniority or benefits under any labor agreement or employment policies of the air carrier. In addition, the law requires pilots over the age of 60 to: (1) have a first-class medical certificate renewed every six months; (2) continue to participate in FAA pilot training and qualification programs administered by the air carrier to ensure continued acceptable levels of pilot skill and judgment; and (3) be administered a line check every six months. However, for pilots serving as second in command, if he or she received and passed a simulator check during that same six-month period, a line check during that period need not be conducted. Moreover, the law requires the Government Accountability Office ("GAO") to provide a report to congressional committees of jurisdiction concerning the effect, if any, on aviation safety because of the change in pilot age standards.

AIRPORT AND AIRWAY EXTENSION ACT OF 2008

Public Law 110–190

(H.R. 5270)

February 28, 2008

The previous long-term FAA reauthorization act, Vision 100—Century of Aviation Reauthorization Act (P.L. 108–76), expired on September 30, 2007. On September 20, 2007, the House passed H.R. 2881, the "FAA Reauthorization Act of 2007", to reauthorize FAA programs for FY 2008–FY 2011. Given that the Senate did not

complete action on the legislation, a short-term extension was necessary. Initially, aviation program funding, aviation excise taxes, and the FAA's authority to make expenditures from the Airport and Airway Trust Fund ("Aviation Trust Fund") were extended from October 1, 2007, through December 31, 2007, by a series of continuing appropriations resolutions. See P.L. 110–92, P.L. 110–116, P.L. 110–137, and P.L. 110–149. The FY 2008 Consolidated Appropriations Act (P.L. 110–161) further extended the aviation taxes and the Aviation Trust Fund expenditure authority through February 29, 2008, and provided funding for most FAA programs through the remainder of FY 2008. However, the FY 2008 Consolidated Appropriations Act did not extend the FAA's Airport Improvement Program ("AIP").

P.L. 110–190 extends aviation programs and taxes for four months, from February 29, 2008, through June 30, 2008. It provides extensions of: (1) contract and expenditure authority from the Aviation Trust Fund for the AIP; and (2) aviation excise and fuel taxes. To allow aviation programs to continue under the same terms and conditions as were in effect during the previous authorization period, the law extends several other provisions of Vision 100, including the government share of AIP costs; and provisions relating to eligibility for essential air service ("EAS") compensation.

FAA EXTENSION ACT OF 2008

Public Law 110–253

(H.R. 6327)

June 30, 2008

The FAA Extension Act of 2008 (P.L. 110–253) extends aviation programs and taxes for three months, from June 30, 2008, through September 30, 2008. It provides extensions of: (1) contract and expenditure authority from the Aviation Trust Fund for the AIP; (2) aviation excise and fuel taxes; and (3) passenger facility charge ("PFC") authority. DOT insurance coverage for domestic and foreign air carriers is also extended through November 30, 2008. The law extends through March 31, 2009, air carrier liability limits for third-party damages resulting from acts of terrorism. To allow aviation programs to continue under the same terms and conditions as were in effect during the previous authorization period, the law also extends several other provisions of Vision 100.

FAA EXTENSION ACT OF 2008, PART II

Public Law 110–330

(H.R. 6984)

September 30, 2008

The FAA Extension Act of 2008, Part II (P.L. 110–330) extends aviation programs and taxes for six months, from September 30, 2008, through March 31, 2009. It provides extensions of: (1) contract and expenditure authority from the Aviation Trust Fund for

the AIP; (2) the authorization of appropriations for FAA operations, facilities and equipment ("F&E"), and research, engineering, and development ("RE&D"); (3) aviation excise and fuel taxes; and (4) the small community air service development ("SCASD") program. DOT insurance coverage for domestic and foreign air carriers is also extended through March 31, 2009. The law extends through May 31, 2009, air carrier liability limits for third-party damages resulting from acts of terrorism. To allow aviation programs to continue under the same terms and conditions as were in effect during the previous authorization period, the law also extends several other provisions of Vision 100.

AIR CARRIAGE OF INTERNATIONAL MAIL ACT

Public Law 110–405

(S. 3536)

October 13, 2008

The Air Carriage of International Mail Act (P.L. 110–405) allows the U.S. Postal Service to contract with certificated air carriers to transport international mail overseas. The contract can be awarded to any foreign points that the Secretary of Transportation ("Secretary") has authorized the carrier to serve.

TO AMEND TITLE 49, UNITED STATES CODE, TO EXPAND PASSENGER FACILITY FEE ELIGIBILITY FOR CERTAIN NOISE COMPATIBILITY PROJECTS

Public Law 110–337

(S. 996)

October 2, 2008

Public Law 110–337 allows a passenger facility fee that is levied at a large hub airport to be used to carry out noise mitigation for certain school buildings in a noise impacted area surrounding an airport, in certain circumstances. It enables new construction of a school if sound insulation and other retrofitting of an existing building do not provide meaningful noise relief. The law defines eligible project costs for any new construction as limited to the difference in cost between constructing to ordinary building code standards for schools and the cost of incorporating noise mitigation features in the construction.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL AVIATION MAINTENANCE TECHNICIAN DAY, HONORING THE INVALUABLE CONTRIBUTIONS OF CHARLES EDWARD TAYLOR, REGARDED AS THE FATHER OF AVIATION MAINTENANCE, AND RECOGNIZING THE ESSENTIAL ROLE OF AVIATION MAINTENANCE TECHNICIANS IN ENSURING THE SAFETY AND SECURITY OF CIVIL AND MILITARY AIRCRAFT

(H. Res. 444)

April 30, 2008

H. Res. 444 recognizes the House of Representatives' support for a National Aviation Maintenance Technician Day to honor the professional men and women who ensure the safety and security of airborne aviation infrastructure and honors Charles Edward Taylor, the first aviation maintenance technician who built and maintained the engine used to power the Wright brothers' aircraft on December 17, 1903. This resolution celebrates the life and achievements of one of the fathers of aviation while also recognizing the indispensable role that aviation maintenance technicians play by ensuring the safety of civil and military aircraft and infrastructure and the American people.

HONORING THE ACCOMPLISHMENTS OF BARRINGTON ANTONIO IRVING, THE YOUNGEST PILOT AND FIRST PERSON OF AFRICAN DESCENT EVER TO FLY SOLO AROUND THE WORLD

(H. RES. 661)

December 11, 2007

H. Res. 661 honors Barrington Irving, the youngest pilot (at age 23) and first African-American to fly solo around the world. Captain Irving was also founder of a nonprofit organization that inspires youth and minorities to pursue careers in aviation and aerospace. As such, this resolution encourages aviation-related museums throughout the United States to commemorate his historic accomplishments.

Other Legislation

FEDERAL AVIATION ADMINISTRATION REAUTHORIZATION ACT OF 2007

(H.R. 2881)

Passed the House on September 20, 2007

H.R. 2881, the "Federal Aviation Administration Reauthorization Act of 2007", provides $66 billion over four years for the FAA and reauthorizes FAA programs through FY 2011. The bill authorizes $37.2 billion over four years for FAA operations, including $570 million to hire additional safety inspectors; $15.8 billion over four years for the AIP, which provides grants for projects at airports; and $13 billion over four years for FAA facilities and equipment. The bill provides for a modest increase in the general aviation jet fuel tax rate from 21.8 cents per gallon to 35.9 cents per gallon;

and increases the aviation gasoline tax rate from 19.3 cents per gallon to 24.1 cents per gallon to provide for the robust capital funding required to modernize the Air Traffic Control ("ATC") system and to stabilize and strengthen the Aviation Trust Fund. Moreover, the bill increases the passenger facility charge cap to $7.00 from $4.50 to combat inflation and to help airports meet increased capital needs.

H.R. 2881 authorizes increased funding for the EAS program, and also extends the SCASD program through FY 2011, at the current authorized funding level of $35 million per year, and makes an additional $9 million per year available from overflight fees beginning in FY 2009. H.R. 2881 contains several environmental-related provisions: a phase-out of stage 2 aircraft over the next five years; a pilot program for developing, maturing, and certifying continuous lower energy, emissions and noise engine and airframe technology, and a program to fund six projects at public-use airports to apply promising environmental research concepts in the actual airport environment. The bill also requires airlines and airports to develop contingency plans for passengers who experience long delays.

The bill authorizes $42 million for runway incursion reduction programs and $74 million for runway status light acquisition and installation and requires FAA to develop a plan to install and deploy systems to alert controllers or flight crews to potential runway incursions. The bill also requires safety inspections of foreign repair stations at least twice a year.

The bill mandates that, if the FAA and one of its bargaining units do not reach agreement, the services of the Federal Mediation and Conciliation Service shall be used or the parties may agree to an alternative dispute resolution procedure. This requirement applies to the new dispute resolution process to the ongoing dispute between the National Air Traffic Controllers Association ("NATCA") and the FAA. The bill also voids all changes to the NATCA labor agreement implemented by the FAA in 2006 and provides back pay to air traffic controllers.

AVIATION SAFETY ENHANCEMENT ACT OF 2008

(H.R. 6493)

Passed the House on July 22, 2008

H.R. 6493, the "Aviation Safety Enhancement Act of 2008", addresses issues raised by FAA whistleblowers and others at the April 3, 2008 Full Committee hearing on "Critical Lapses in FAA Safety Oversight of Airlines: Abuses of Regulatory 'Partnership Programs'". The bill creates an independent Aviation Safety Whistleblower Investigation Office within the FAA, charged with receiving safety complaints and information submitted by both FAA employees and employees of certificated entities, investigating the complaints, and then recommending appropriate corrective actions to the FAA. It directs the FAA to modify its customer service initiative, mission and vision statements, and other statements of policy to remove references to air carriers or other entities regulated by the FAA as "customers", to clarify that in regulating safety the

only customers of the agency are individuals traveling on aircraft, and to clarify that the air carriers and other entities regulated by the FAA do not have the right to select the FAA employees who will inspect their operations.

The legislation also establishes a two-year "post-service", cooling-off period for FAA inspectors or persons responsible for FAA inspector oversight before they can act as agents or representatives before the agency of a certificate holder that they oversaw during their service with the FAA. Further, it requires the FAA to rotate principle maintenance inspectors between airline oversight offices every five years.

The legislation requires the FAA to implement monthly reviews of the Air Transportation Oversight System database to ensure that trends in regulatory compliance are identified and appropriate corrective actions are taken in accordance with agency regulations.

FEDERAL AVIATION ADMINISTRATION EXTENSION ACT OF 2007

(H.R. 3540)

Passed the House on September 24, 2007

The bill extended the authorization for aviation programs and taxes through December 31, 2007. As such, the expenditure authority for the Aviation Trust Fund would be extended through December 31, 2007. H.R. 3540 also extended the AIP contract authority for three months. The bill allows the Secretary to limit the third-party liability of airlines and aircraft manufacturers for any cause resulting from a terrorist event. The bill was not considered in the Senate. Provisions of H.R. 3540 extending both the AIP program and tax authority from July 1, 2008, through September 30, 2008, were included in H.R. 6327 (P.L. 110–253).

TO EXTEND THE EXISTING PROVISIONS REGARDING THE ELIGIBILITY FOR ESSENTIAL AIR SERVICE SUBSIDIES THROUGH FISCAL YEAR 2008, AND FOR OTHER PURPOSES

(S. 2265)

Passed the House, as amended, on November 6, 2007

S. 2265, as passed by the Senate, extended to September 30, 2008, a single provision of Vision 100, regarding the EAS program. The House amended the bill to extend the authorization and appropriations for each of the FAA's major programs—operations, F&E, and RE&D—in addition to the EAS program to December 31, 2007. The legislation directs the Secretary to use the most commonly used route, rather than the shortest route, when measuring the distance of communities to the nearest hub airport to determine eligibility for the EAS program. The bill does not provide additional funding for the EAS program; it allows communities that are currently participating in the program to continue to do so for FY 2008 at existing funding levels.

The legislation also extended until December 31, 2007, the Secretary's authority to limit the liability exposure of airlines and aircraft manufacturers for any terrorist-related event. S. 2265, as

amended and passed by the House, was not considered in the Senate.

CIVIL AIR PATROL HOMELAND SECURITY SUPPORT ACT OF 2007

(H.R. 1333)

Passed the House, as amended, on June 16, 2008

The legislation amends the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to enter into an agreement with the Secretary of the Air Force to use Civil Air Patrol Personnel and resources to support homeland security missions. The Comptroller General will conduct a study of the functions and capabilities of the Civil Air Patrol to support homeland security missions of State and Federal entities, including aerial reconnaissance or communications, search and rescue operations, evacuations, and time-sensitive medical attention.

HALTING AIRPLANE NOISE TO GIVE US PEACE ACT OF 2008

(H.R. 5788)

Reported Favorably to the House on September 28, 2008

The legislation prohibits the use of cell phones during commercial flights to allow for a safe, secure, and peaceful environment on airplanes. The bill exempts law enforcement officers from the cell phone prohibition. Furthermore, it allows the Secretary flexibility as to whether a waiver of the ban should be granted to a foreign carrier.

Hearings

During the 110th Congress, the Subcommittee on Aviation held 28 hearings and nine Member briefings and roundtables.

THE PRESIDENT'S FY 2008 FEDERAL AVIATION ADMINISTRATION BUDGET

On February 14, 2007, the Subcommittee held a hearing to consider the Administration's FY 2008 budget request for the FAA. The Administration's request provided approximately $14 billion in FY 2008, approximately $413 million less than the estimated FY 2007 funding level provided by H.J. Res. 20 (the House-passed continuing resolution). Under current law, the FAA's budget is broken down into four programs: operations, F&E, AIP, and RE&D (the Science Committee has jurisdiction over the RE&D program).

Under the Administration's proposal, the FAA's financing sources shift from a mix of fuel taxes, other excise taxes, and a general fund contribution to user fees, fuel taxes, and a general fund contribution. The Administration's data indicated that in FY 2008, user fees and excise taxes under the new proposal would hypothetically yield approximately $600 million less in FY 2008 than maintaining the current tax structure; and over $900 million less from FY 2009 to FY 2012. The FAA testified that the new financing structure would be better suited to create a businesslike model

for financing and would create a more equitable system for all users; and maintained that the budget would allow the FAA to reach its goals for the Next Generation Air Transportation System ("NextGen"). The Department of Transportation Inspector General ("DOT IG") testified that the FAA cannot achieve its goal of technologically transforming the National Airspace System ("NAS") with a $2.5 billion (or less) F&E budget—that number would only sustain the existing system, not fund new initiatives.

The Administration's proposal also cut the AIP to $2.75 billion, which is $950 million less than the FY 2007 level authorized by Vision 100; and reduce the EAS program to $50 million, which would cut the number of communities that receive funding by almost half. In addition, the DOT IG testified that the FAA's Controller Workforce plan lacked facility-level staffing standards and associated costs of implementation. The Subcommittee also examined the FAA's budget for safety inspector staffing levels and found that the FAA may not have an accurate assessment of its staffing needs.

THE ADMINISTRATION'S FEDERAL AVIATION ADMINISTRATION REAUTHORIZATION PROPOSAL

The Subcommittee held a series of hearings in March 2007 regarding the FAA's reauthorization proposal. On March 14, the Subcommittee held its first hearing on the subject, followed by hearings on March 21 on the FAA's Financing Proposal, March 22 on the FAA Operational and Safety Programs, and March 28 on the FAA's AIP.

The Administration's FAA reauthorization proposal, the "Next Generation Air Transportation Financing Reform Act of 2007", is a three-year authorization with an estimated cost of approximately $44.766 billion. Most of the FAA's funding is currently derived from the Aviation Trust Fund. The FAA's proposal makes significant changes to the current Aviation Trust Fund tax structure by eliminating a number of excise taxes, increasing fuel taxes, and decreasing the International Arrival/Departure tax.

Under the FAA's proposal, most of the FAA's revenue comes from new cost-based user fees. In proposing a cost-based user fee, the FAA maintains it will better align its costs or services with its revenues, and would operate in a more efficient, business-like manner. In addition, the FAA stated that its fees would be more equitable to airspace users because users would be charged based on the costs that they impose on the system. The proposal was roundly criticized at the hearing.

At the March 22, 2007 hearing, GAO testified that, as the NAS becomes increasingly crowded, it is a crucial time to examine the FAA's plans for NextGen in the context of improving the operation and safety of the NAS. GAO testified that as FAA begins to implement NextGen, it needs to focus on coordination with Joint Planning and Development Office ("JPDO") and ensure that the FAA has the proper expertise to oversee the project. A major challenge that was highlighted was the transition costs to implement NextGen. GAO also noted that the FAA needs to improve its safety data. Employee representatives, who testified at the hearing, stressed the importance of the Safety Management Systems ("SMS") to increase safety in the NAS through a partnership of the

FAA, industry, and employee organizations. The FAA testified that it was moving toward creating regulatory requirements for SMS implementation. The Professional Airways Systems Specialists testified that the FAA's plan does not address the need for more aviation safety inspectors, which are necessary to increase the FAA's oversight of maintenance outsourcing. NATCA testified to the need for more controllers to help increase capacity and safety in the NAS; and was critical of the FAA's budget for controller staffing. In addition, NATCA stressed the need for greater input from controllers in shaping the future ATC modernization.

The FAA proposed $8.7 billion from FY 2008 to FY 2010 for the AIP, which is $1.8 billion less than the program received in the previous three-year period. At the March 28, 2007 hearing, airports testified to their needs for capital for projects like new runways and runway extensions to increase capacity. FAA officials contended that decreased AIP entitlements coupled with a PFC increase (from $4.50 to $6.00) would provide the FAA and airports with more capital and flexibility to target investments and meet airport capital needs. In addition to raising the PFC cap, the FAA's proposal expands the types of projects for which PFCs can be used to encompass any airport capital project that is eligible to be funded with airport revenue, provided that the project is not anti-competitive.

THE FEDERAL AVIATION ADMINISTRATION'S OVERSIGHT OF OUTSOURCED AIR CARRIER MAINTENANCE

On March 29, 2007, the Subcommittee held a hearing to review the FAA's oversight of outsourced air carrier maintenance. To stay competitive and avoid bankruptcy, or recover from bankruptcy in the post-September 11th era, many of the airline industry's legacy air carriers have closed their own maintenance bases and have increased their use of outside maintenance companies to perform critical long-term maintenance, including: airframe repairs, aging aircraft modifications, engine overhauls, and advanced avionics maintenance. In addition, repair stations provide specialized maintenance expertise and equipment in areas such as engine repairs that air carriers do not have in-house. Currently, there are approximately 4,231 domestic and 697 foreign FAA-certificated repair stations. Whether maintenance is performed by the air carriers or organizations they contract with, the air carriers are responsible for maintaining oversight and ensuring the quality and safety of the maintenance performed on their aircraft. It is the FAA's responsibility to ensure that the air carriers are conducting their oversight effectively.

The DOT IG, who testified at the hearing, made several recommendations to improve the FAA's oversight of air carrier maintenance, including that the FAA must determine trends in air carriers' use of repair stations; find out which repair stations air carriers are using to perform maintenance; perform more detailed reviews of those facilities that air carriers use the most; and take steps to ensure foreign authorities are following FAA standards in conducting inspections. In addition, the DOT IG found that air carriers also use so-called non-certificated repair facilities. While these non-certificated facilities have been used for years for minor main-

tenance, the DOT IG found that these facilities are performing work that is critical to the airworthiness of an aircraft but without the same oversight and regulatory requirements as certificated repair facilities. The FAA testified that it has responded to several of the DOT IG's recommendations and will continue to increase its oversight of all repair stations.

AVIATION CONSUMER ISSUES

On April 20, 2007, the Subcommittee held a hearing on aviation consumer issues. In 2006, 740 million passengers flew in the United States, with flight arrival delays increasing with the growing traffic. Because of increased flight delays and two highly publicized events (on December 29, 2006, and February 14, 2007) where passengers were stranded on aircraft for hours without adequate food, water and amenities, there have been calls for increased airline customer service oversight.

The DOT Office of the Assistant General Counsel for Aviation Enforcement and Proceedings ("OAEP") is responsible for enforcing air travel consumer protection requirements, protecting against unfair and deceptive practices, and unfair methods of competition in air transportation. According to OAEP, DOT received 8,321 air travel complaints in 2006.

In November 2006, the DOT IG released a report finding that airlines need to resume efforts to self-audit their customer service plans, emphasize the importance of providing timely and adequate flight information, train personnel who assist passengers with disabilities, provide transparent reporting on frequent flyer award redemptions, and improve the handling of bumped passengers. In addition to airlines implementing better contingency planning, the DOT IG recommended that the DOT's OAEP improve its oversight of air traveler consumer protection requirements and that DOT strengthen its oversight and enforcement of air traveler consumer protection rules.

The air carrier industry, including the CEO of JetBlue, testified at the hearing that they were improving their policies for passengers.

ESSENTIAL AIR SERVICE PROGRAM AND SMALL COMMUNITY AIR SERVICE DEVELOPMENT PROGRAM

On April 25, 2007, the Subcommittee held a hearing regarding the EAS and SCASD programs, and what changes, if any, should be made to these programs in the FAA reauthorization bill. In 1978, believing that market competition among airlines would improve service and lower fares for the traveling public, Congress passed the Airline Deregulation Act of 1978. However, many small- and medium-sized communities have struggled to obtain and retain commercial air passenger service, because they often lack the population base and economic activity to generate the passenger traffic necessary to make air service consistently profitable. To address these problems, the EAS program was established, as part of deregulation, and the SCASD program was created in the 106th Congress to address additional concerns. The highest number of communities in the EAS program was 405 in 1980. As of April 1, 2007,

DOT was subsidizing service at 145 communities (41 in Alaska and 104 elsewhere in the United States).

At the hearing, several Members of Congress testified in support of the EAS and SCASD programs. GAO reported that many small communities would not have service if EAS subsidies were discontinued and that the number of air carriers flying suitable aircraft for EAS communities may decrease. DOT testified that once a community receives subsidized air service it is rare for an air carrier to offer unsubsidized air service. The Regional Airline Association and several small airports stated their concerns regarding the current EAS/SCASD programs and ways to improve them.

THE FUTURE OF AIR TRAFFIC CONTROL ("ATC") MODERNIZATION

On May 9, 2007, the Subcommittee held a hearing to consider the future of ATC modernization. The present-day NAS consists of a network of en route airways, much like an interstate highway grid in the sky, interconnected by ground-based navigation facilities that emit directional signals that aircraft track. Limits on the transmission distances of these signals prevent aircraft from flying direct routes on long-distance flights and limit the utilization of airspace to predefined routes where aircraft can reliably transition from one navigational signal to the next. The DOT predicts up to a tripling of passengers, operations, and cargo by 2025. Congress created the JPDO in Vision 100 and tasked it with developing NextGen to meet anticipated traffic demands. The NextGen plan that is under development will consist of new concepts and capabilities for air traffic management and communications, navigations and surveillance that rely on satellite-based capabilities; data communications; shared and distributed information technology architectures that will support strategic decisions; and enhanced automation.

The FAA and JPDO testified to the status of NextGen's various planning and concept documents. GAO and the DOT IG discussed concerns regarding technical and contract management skills at FAA and JPDO's ability to involve key stakeholders in the planning efforts. FAA's Federally Funded Research and Development Center, MITRE, discussed the need to have the entire aviation community involved in the implementation because of the changes needed in aircraft as well as air traffic systems together with procedures and airspace changes. The manufacturing industry shared concerns that the FAA and JPDO need to be more aggressive in taking advantage of near-term solutions and be provided with enough resources to create the regulations, policies and certification approvals needed. Employee representatives reiterated the need to be included in the process because they will need to operate the system.

THE NATIONAL TRANSPORTATION SAFETY BOARD'S MOST WANTED AVIATION SAFETY IMPROVEMENTS

On June 6, 2007, the Subcommittee held a hearing regarding the National Transportation Safety Board's Most Wanted Aviation Safety Improvements. Since 1990, the National Transportation Safety Board ("NTSB") has issued a list of its Most Wanted Safety

Improvements ("Most Wanted") to focus attention on safety issues that the NTSB believes will have the greatest impact on transportation safety. For 2007, the NTSB identified the following issues as its Most Wanted for aviation: aircraft icing; fuel tank flammability; runway incursions; improved audio and data recorders; fatigue; and part 135 crew resource management. The NTSB noted that FAA's response to most of these recommendations has been unacceptable because the agency either was not responsive to its recommendation or its progress was too slow. The FAA testified that it had issued airworthiness directives for many of safety recommendations or had initiated rulemaking projects; and it was still conducting research on some of the issues.

FAA'S OVERSIGHT OF FALSIFIED AIRMAN MEDICAL CERTIFICATE APPLICATIONS

On July 17, 2007, the Subcommittee held a hearing on the FAA's oversight of falsified airman medical certificate applications, per an investigation by the Oversight and Investigations ("O&I") staff. In 2005, the DOT IG found thousands of cases of airmen holding current Airman Medical Certificates, while simultaneously collecting full medical disability pay from the Social Security Administration for debilitating medical conditions. These conditions included heart disease, schizophrenia, and seizure disorders. Airmen did not disclose these conditions to the FAA when applying for their certificates. The DOT IG recommended that the FAA periodically compare certificates to the databases of agencies providing disability benefits and take administrative actions when false statements are identified.

During the hearing, the FAA committed to establishing a process to determine if false statements are being made. The Committee requested that the DOT IG report on the status of the FAA's efforts to conduct this match as well as to report on the security of data contained in the Airman database. The FAA has subsequently revised its medical certificate application to inform pilots that information submitted as part of the application process may be shared with third parties. The application also now asks applicants to disclose whether they are receiving disability benefits for any medical conditions. The FAA is not planning to implement a data matching program until issues raised in a lawsuit resulting from the DOT IG's investigation are resolved.

AGING AIR TRAFFIC CONTROL FACILITIES

On July 24, 2007, the Subcommittee held a hearing on aging ATC facilities, per an investigation by the O&I staff. By the FAA's own admission, terminal radar approach control centers, towers, and en-route ATC facilities are, on average, relatively old, and are in "fair to poor" condition using GSA Facility Condition Index criteria. Data collected indicates that numerous buildings have severe maintenance problems; and FAA employee reports of health-related problems due to facility conditions are becoming more numerous.

In the course of this investigation, FAA managers acknowledged that the FAA has a substantial maintenance backlog of between $250 and $350 million for repairs at hundreds of facilities. Yet, the

FAA's annual budget for facility maintenance and improvement for FY 2006 and FY 2007 was less than $60 million in each year. As a result of this investigation, the FAA immediately began a number of rehabilitation projects and reallocated more money for facility repair.

H.R. 2881 includes a historic funding level of $13 billion for FAA F&E, which would enable the FAA to make needed repairs and replacement of existing facilities and equipment. In addition, the bill requires the FAA to establish a task force on ATC facility conditions. At the request of Chairman Costello, the DOT IG is completing a comprehensive audit of FAA management and maintenance of ATC facilities.

AIRLINE DELAYS AND CONSUMER ISSUES

On September 26, 2007, the Subcommittee held a hearing regarding airline delays and consumer service. The first half of 2007 was the worst for airline delays since the DOT Bureau of Transportation Statistics ("BTS") started keeping comprehensive statistics 13 years ago. Long, on-board tarmac delays increased by almost 49 percent from 2006 and delays of five hours or more increased 200 percent. The hearing reviewed industry trends that contribute to delays, scheduling, capacity benchmarks and delay reduction actions, infrastructure (runways, air traffic control, and airspace), and consumer protections.

The FAA and DOT discussed NextGen as a solution to delays including the Northeast Airspace Redesign and Florida Airspace Optimization projects, as well as Required Navigation Performance, which allows more precise routes for take-offs and landings. The DOT IG testified regarding the report it submitted on September 25, 2007, entitled "Actions Needed to Minimize Long, On-Board Flight Delays", which focuses on the need for emergency contingency plans for airports and airlines as well as additional DOT recordkeeping on delays and reconvening a task force to deal with lengthy delays. MITRE discussed some of the over-scheduling that is occurring at the busiest airports. Airlines and airports reported what they were doing to mitigate delays and consumer discomfort in the event of delays. Employee representatives testified that overscheduling and a decrease of air traffic controllers is to blame for delays. Consumer groups discussed the need for emergency plans at airlines and airports and better consumer services.

THE TRANSITION FROM FAA TO CONTRACTOR-OPERATED FLIGHT SERVICE STATIONS

On October 10, 2007, the Subcommittee held a hearing on the transition from the FAA to contractor-operated flight service stations ("FSS"), per an investigation by O&I staff. On February 1, 2005, the FAA awarded Lockheed Martin a five-year, fixed-price contract (with five additional option years) to operate and modernize the FSS system that provides weather information and flight plan filing services to pilots on the ground and in the air. The contract is worth about $1.8 billion and represents one of the largest non-defense outsourcing of services of the Federal Government. The FAA estimates that by contracting out FSS, it will save

between approximately $1.7 billion and $2.2 billion over the ten-year life of the agreement.

The first phase of the FSS transition to Lockheed Martin ran smoothly. However, in 2007, Lockheed Martin launched an aggressive implementation plan, declaring its three hub locations operational and consolidating other FSS locations at a rate of three facilities per week. Within days, service to pilots deteriorated dramatically. As a result of the investigation, the FAA has significantly tightened management oversight of the contractor. Substantial monetary performance penalties on the contractor have been assessed, and the performance of FSS services began to slowly improve. By the summer of 2008 (the period of highest demand), FSS services had steadily improved, and the contractor was meeting all FAA-defined performance objectives. However, high fuel prices contributed to less overall demand for FSS services.

NextGen: The FAA's Automatic Dependent Surveillance—Broadcast (ADS–B) Contract

On October 17, 2007, the Subcommittee held a hearing to consider the FAA's Automatic Dependent Surveillance Broadcast ("ADS–B") contract. In the United States, ATC surveillance and aircraft separation services are provided by the use of primary and secondary surveillance radar systems, and air traffic controllers who are directly responsible for ensuring adequate separation between aircraft receiving radar services. While radar technology has advanced over the last several decades, it has limitations. ADS–B is the FAA's flagship program to transition to satellite-based surveillance. For the last few years, the FAA has tested and demonstrated ADS–B in Alaska (the "Capstone Program") and the Ohio River Valley ("Safe Flight 21"), and it signed a Memorandum of Agreement with the Helicopter Association International, helicopter operators and oil and gas platform owners in the Gulf of Mexico, to facilitate ADS–B implementation in the Gulf. The FAA awarded a service contract to begin nationwide deployment of ADS–B and published a proposed rulemaking mandating that aircraft operating in certain classes of airspace equip with ADS–B avionics by 2020.

The DOT IG testified at the hearing that realistic expectations of ADS–B benefits must be set and understood, ADS–B must demonstrate the same level of service that radar now provides before advanced capabilities are attempted such as reducing distances between aircraft in congested airspace, and the FAA must execute controls of the service contract for ADS–B to keep cost overruns to a minimum and implementation on schedule. MITRE discussed the benefits of ADS–B are dependent on achieving appropriate ground automation system upgrades, avionics equipage rates, and operational procedure development. Employee representatives testified to their concern that ADS–B be appropriately certified as safe before it is used in the NAS.

Aviation and the Environment: Noise

On October 24, 2007, the Subcommittee held a hearing to receive testimony regarding airport noise issues. Over the last 20 years, air

travel in the United States has grown faster than any other mode of transportation. Although the United States has made some progress in building runways to add capacity, we still face obstacles in trying to expand our airport capacity through infrastructure improvements. One obstacle is aircraft noise, or the shifting of that noise, which generates controversy with airport neighbors and communities. In some cases, local governments have not engaged in any meaningful zoning or land-use planning. Advanced technology, new operational procedures, and land use measures have all contributed to noise reductions at airports. The FAA administers funding for noise compatibility projects through its regulations at 14 CFR part 150. Participation in the part 150 program enables an airport operator to receive AIP funding from the funds set aside for noise projects. Airport operators may use either AIP or PFC funds for noise-related projects, including acquiring homes and relocating people, soundproofing homes and other buildings, and constructing noise barriers.

The hearing primarily focused on the FAA's part 150 program and whether or not certain airports are availing themselves of it. An airport operator is not required to participate in the part 150 program; rather it is voluntary. Some airports may choose not to avail themselves of the part 150 program for reasons including: an airport may have a long-standing noise program that is essentially equivalent to the part 150 program; the cost of conducting the study itself; numerous incompatible land uses surround the airport such that land use mitigation would be cost prohibitive, and the use of alternative funding methods. Land use planning was also discussed by hearing participants.

AVIATION AND AIRPORT HOLIDAY TRAVEL PREPARATIONS

On November 15, 2007, the Subcommittee held a hearing on airline and airport holiday travel preparations—continuing a series of hearings on airline consumer protection. The first half of 2007 was the worst for airline delays since the government began collecting statistics 13 years ago. The FAA reported that delays were up 20 percent since 2006, and traffic increased by as much as 20 percent at busy airports. Airlines have increased their scheduled flights in areas with the greatest demand. Load factors have also increased, which mean more crowded planes and more problems if flights are cancelled or connections are missed.

To prepare for holiday travel in 2007, air carriers testified that they would offer customer service enhancements, including: encouraging passengers to use online check-in procedures and self-service check-in kiosks at the airport, dispersion of an automated travel notification—via cell phone or wireless device, increasing airline staff, implementing earlier boarding times, and increasing connection times during peak travel periods. Airport associations announced that they were increasing airport staff, including those working in the areas of parking, passenger assistance, maintenance, concessionaires, and law enforcement. Airports also testified that they were coordinating with the Transportation Security Administration ("TSA") to ensure that checkpoints are fully staffed and that passengers are educated on security procedures at checkpoints. Emergency contingency plans have also been developed by

a number of airports to deplane passengers in the event of long on-board delays.

THE PRESIDENT'S FISCAL YEAR 2009 FEDERAL AVIATION ADMINISTRATION BUDGET

On February 7, 2008, the Subcommittee held a hearing to consider the Administration's FY 2009 budget request for the FAA. The FAA's FY 2009 request is $14.64 billion, $272 million less than the FY 2008 enacted funding level. The Administration's FY 2009 budget request provides $2.75 billion for the AIP program—$764.5 million less than the FY 2008 enacted funding level of $3.5 billion, and $1.15 billion less than the authorized level proposed by H.R. 2881 for FY 2009. For F&E and operations, the Administration requests slight increases to $2.72 billion and $9.0 billion, respectively.

In addition, the Administration's FY 2009 budget again requests to change the FAA's current excise tax financing system to a hybrid cost-based user fee system that would take effect in FY 2010. Under this proposal, which is similar to the FAA's reauthorization proposal from last year, the FAA's financing sources shift from a mix of fuel taxes, other excise taxes, and a general fund contribution to user fees, fuel taxes, and a general fund contribution. The Administration's hybrid cost-based user fee proposal was not included in either the House or Senate versions of FAA reauthorization legislation developed in the 110th Congress.

In addition to the FAA, both the DOT IG and GAO testified at the budget hearing and raised issues regarding air traffic control modernization, controller workforce staffing, ATC facility maintenance, airspace congestion, runway safety and safety oversight.

RUNWAY SAFETY

On February 13, 2008, the Subcommittee held a hearing on runway safety. Airport ground operations include takeoffs and landings, taxiing operations, movement to and from gates, and the movement of airport ground vehicles to support aircraft and airport operations. Maintaining safe operations in the airport environment is a major concern. A runway incursion is "any occurrence in the runway environment involving an aircraft, vehicle, person, or object on the ground that creates a collision hazard or results in a loss of required separation when an aircraft is taking off, intending to take off, landing, or intending to land." GAO reported that the rate of runway incursions in 2007 had increased to 6.05 incidents per million operations. This rate represented a 12 percent increase over 2006 and the highest since 2001.

GAO testified that the FAA National Runway Safety Plan was out of date and that the agency's runway safety incursion efforts were uncoordinated. GAO stated that controller fatigue may play a role in runway safety, noting that controllers are working six-day weeks due to staffing shortages. GAO recommended that the FAA establish a non-punitive system where controllers could report safety risks. Furthermore, GAO stated that the FAA needs to improve its data collection on runway incursion incidents. Finally, GAO

raised concerns regarding delays in the deployment of runway safety systems and technologies.

In its testimony, the FAA testified that it was testing and deploying several new technologies aimed at improving runway safety, including systems that alert pilots and crew to possible obstructions on the runway. The FAA has also undertaken efforts to improve runway markings and improve worker training. The FAA asked air carriers to conduct reviews of their current procedures, specifically focusing on those activities undertaken by a flight crew between pushback and takeoff, with the objective of limiting the number of distractions for pilots during this critical phase of operations.

AVIATION DELAYS AND CONSUMER ISSUES

On April 9, 2008, the Subcommittee held hearing, the fourth in a series of hearings, on aviation delays and consumer issues. During the Subcommittee's hearing on Airline and Airport Holiday Preparations, Chairman Costello requested that DOT IG prepare an "after action" report on airline delays during the summer of 2007, as well as review progress by the DOT, the FAA, airlines, and airports to implement consumer service actions recommended by the DOT IG.

In September 2007, the DOT created a New York Aviation Rulemaking Committee ("ARC"). The ARC reported 77 items to mitigate delays in the New York area; of these items, actions on 18 items were underway. One example was new takeoff patterns at Newark Liberty ("EWR") and Philadelphia International Airports, as a part of the New York Area Airspace Redesign project. DOT said it was exploring operational and capacity improvements for all three major New York area airports and voluntary flight caps at John F. Kennedy International Airport ("JFK").

In November 2007, the DOT issued a rulemaking project regarding enhancing airline passenger protections. In December 2007, DOT formed a Federal advisory task force to: (1) develop model contingency plans to deal with lengthy airline on-board delays; (2) review incidents involving long, on-board ground delays and their causes; (3) review existing airline and airport contingency plans for extended tarmac delays for best practices; and (4) report to the Secretary the results of its consideration and a description of the model contingency plans developed. In addition, DOT proposed increasing the limits on the compensation required to be paid to bumped passengers and to extend the requirement to passengers on smaller aircraft.

H.R. 2881, the "FAA Reauthorization Act of 2007", which passed the House September 20, 2007, contains several provisions to enhance consumer protection and decrease delays.

REAUTHORIZATION OF THE NATIONAL TRANSPORTATION SAFETY BOARD

On April 23, 2008, the Subcommittee held a hearing to consider the reauthorization of the NTSB, which was authorized through September 30, 2008. The NTSB is charged with investigating civil aviation accidents and significant transportation accidents in the surface modes—railroad, highway, marine, and pipeline. The NTSB

determines the probable cause of all civil aviation accidents and significant surface transportation accidents, conducts safety studies, and evaluates the effectiveness of other government agencies' programs for preventing transportation accidents.

The NTSB's three-year reauthorization request includes additional funding, additional staff, and statutory changes. The FY 2009 President's budget requests $87.9 million for the NTSB, which is $3.392 million above the FY 2008 enacted level. The request includes funding to offset pay raises, benefit cost increases, and inflation. The FY 2010 ($107 million) and FY 2011 ($113 million) authorization request levels are based on increasing the number of NTSB staff to 475 full-time-equivalent employees.

The NTSB's reauthorization proposal requests explicit authorization to: investigate incidents; issue subpoenas for financial records, obtain medical records under the same conditions and protections as a public health authority receives such information under the Health Insurance Portability and Accountability Act; protect trade secrets and similar commercial or financial information from release under the Freedom of Information Act; enter into multi-year leasing contracts; expend appropriated funds to conduct an accident investigation in a foreign country; investigate "commercial space launch" accidents; and other items to aid investigations.

In addition to the NTSB Chairman, Mark Rosenker, GAO also testified at the hearing. GAO's testimony included a review of NTSB's general management structure and capabilities.

AVIATION AND THE ENVIRONMENT: EMISSIONS

On May 6, 2008, the Subcommittee held a hearing on aviation emission issues. In the last 40 years, aviation emissions per passenger mile have decreased by 70 percent. According to the FAA, aviation carbon dioxide ("CO_2") emissions dropped in the United States by four percent between 2000 and 2006, at the same time, commercial aviation moved 12 percent more passengers and 22 percent more freight. Without further improvements to engine, airframe technology, or air traffic management, preliminary computations by the FAA show that aviation noise and emissions are likely to increase by 140–200 percent by 2025.

Historically, most of the substantial aviation environmental gains have come from new technologies. The FAA's goal is to encourage a fleet of quieter, cleaner aircraft that operate more efficiently with less energy.The FAA states that implementation of NextGen will have a dual impact of modernizing the aviation system while providing benefits to the environment, including reducing the number of people exposed to significant noise and emissions levels and aircraft fuel consumption rates. Both airline and airport representatives testified that there are great incentives to reduce emissions, especially with increased fuel costs. Air carriers are employing a wide variety of procedures to reduce fuel consumption, including: single-engine taxi procedures and selective engine shutdown during ground delays; cruising longer at higher altitudes and employing shorter, optimizing flight planning for minimum fuel-burn routes and altitudes, and by using newer aircraft. Fuel costs are also motivating air carriers, airports and manufacturers to look

at innovations in alternative fuels to decrease long-term cost and emissions.

A representative from the European Union ("EU") also briefed the Subcommittee about its proposed directive to cover civil aviation under its Emissions Trading Scheme ("ETS"), which is intended to reduce CO_2 and other greenhouse gases. The proposed directive unilaterally includes the United States and other non-EU airlines and sidesteps the normal process for dealing with aircraft emissions through the ICAO and international air service agreements. Hearing participants roundly criticized this EU unilateral directive.

Impact of Consolidation on the Aviation Industry, With a Focus on the Proposed Merger Between Delta Air Lines and Northwest Airlines

On May 14, 2008, the Subcommittee held a hearing regarding the impact of consolidation on the aviation industry, with a focus on the proposed merger between Delta Air Lines and Northwest Airlines. On April 15, 2008, Delta and Northwest announced an agreement in which the two carriers will merge in an all-stock transaction with a combined value of $17.7 billion. The new airline will retain the Delta brand and will headquarter in Atlanta. The airlines claimed that the transaction will generate more than $1 billion in annual revenue and cost synergies from more effective aircraft utilization, a more comprehensive and diversified route system, reduced overhead and improved operational efficiency.

During the hearing, several concerns were raised about the merger, including decreased competition, higher fares, and deterioration in the quality of service. Opponents argued that a combined Delta/Northwest would be a generally bigger competitor at its hubs (e.g., Atlanta, JFK, Minneapolis-St. Paul), and have a greater ability to discourage competitors from entering the market. Delta/Northwest argued that the growth of low-cost carriers has created new competition that would offset historical regulatory concerns with mergers. However, opponents argue that over-reliance on low-cost carriers is not the answer. Because low-cost carriers do not serve many of the same markets that the large network carriers serve, they may not offer the same benefits as network carriers, such as frequent flier benefits to foreign destinations, and many are struggling financially.

Concerns were also raised about international competition. Delta/Northwest argue that a merger will allow them to compete on a more equal footing with other larger international carriers. However, the three large alliances (Star, SkyTeam and Oneworld), of which Delta and Northwest already belong, dominate the lucrative North Atlantic international market, where significant entry barriers still exist. In addition, many of these alliance partners have antitrust immunity, which allows them to coordinate on prices, capacity and customer service issues. In particular, concerns have been expressed that in the U.S.-Continental Europe market, where immunized alliances (i.e., SkyTeam and Star) already control a significant share of the traffic, the consolidation of U.S. air carriers would further concentrate the market share within these alliances,

thereby making it more difficult for new competitors to enter the market.

In addition, customer service and employee integration issues were raised. Witnesses testified that consumer service generally falls by the wayside while integrating cultures, and dealing with employee unrest over potential closing of facilities and the integration of seniority lists.

On October 28, the Department of Justice closed its investigation of the Delta/Northwest proposed merger, thus allowing the companies to consummate the deal.

AIR TRAFFIC CONTROL FACILITY STAFFING

On June 11, 2008, the Subcommittee held a hearing regarding ATC facility staffing issues, including concerns about staffing alignment and training at such facilities. FAA controllers staff some 316 federally operated facilities. The FAA is experiencing a wave of air traffic controller retirements due in large part to the Professional Air Traffic Controllers Organization strike in 1981, and subsequent firing of a significant number of controllers. Most of the FAA's current 14,800 controllers that were hired during the 1980s to replace fired controllers are now eligible to retire. The FAA states that it will need to hire more than 17,000 controllers through FY 2017. Since the end of FY 2005, the FAA has hired more than 5,000 controllers.

There were 583 controller retirements in 2006, 828 in 2007 and, between 2008 and 2017, the FAA projects that 7,068 of the current controller workforce will retire. In addition, the FAA estimates that an additional 5,316 controllers will leave for other reasons to include promotion, reassignment, resignation, and removal. In 2007, the FAA hired 1,815 developmental controllers. In 2008 and 2009, the FAA plans to hire 1,877 and 1,914 developmental controllers, respectively. This pace is expected to continue for at least the next ten years. The FAA's objective is to reach a workforce level, larger than the current one, totaling 16,371, by 2017.

The DOT IG, who testified at the hearing, raised concerns about the ratio of experienced controllers and controller trainees at ATC facilities, which could present safety and operational issues. The DOT IG made a number of recommendations to the FAA, including ensuring controller staffing reports reflect that the number of developmental controllers at each individual facility; and establishing realistic standards for the level of developmental controllers that the facilities can accommodate and for the training capacity at such facilities. Moreover, NATCA expressed concerns at the hearing that the shortfall in the number of experienced controllers has led to: more controller fatigue because controllers are working longer days for sustained periods; an alleged increase in the number of operational errors; and increased delays because there are not enough controllers available to safely manage demand. The FAA testified that it is on track to meet its hiring goals, and that its staffing ranges for each facility take into account the number of developmental controllers and the training that is required for those controllers.

CONGESTION MANAGEMENT IN THE NEW YORK AIRSPACE

On June 18, 2008, the Subcommittee held a hearing on congestion management in the New York Airspace. According to the FAA, approximately one-third of the nation's flights and one-sixth of the world's flights either start or pass through the airspace that supports New York's three main airports: LaGuardia International ("LGA"), JFK, and EWR accounting for three-quarters of the chronic airline delays experienced today. Accordingly, delays in the Northeast have a rippling effect across the country.

On December 19, 2007, in an effort to decrease delays in the New York region, DOT announced voluntary flight caps at JFK. Negotiated by airlines and DOT, caps were set at an average of 82 to 83 flights per hour, beginning March 30, 2008. In March 2008, DOT also announced voluntary flight caps at EWR to an average of 83 flights per hour, beginning on June 1, 2008. On April 16, 2008, the DOT issued a proposal for LGA, which would impose a slot auction mechanism to redistribute slots, and a similar proposal was issued on May 16 for JFK and EWR. At the hearing, many concerns were raised about the slot auction proposals. First, some witnesses questioned whether DOT or the FAA has the legal authority to impose these slot auctions, arguing that the FAA's authority to manage the airspace does not include the power to lease landing rights, auction them, and then retain and use the proceeds from the slot auctions, in the absence of clear delegation of Congressional authority. DOT testified at the hearing that the FAA has the legal authority to auction slots because the slots are intangible FAA property. Some witnesses argued that imposition of slot auctions might limit competition by preventing new entrants and limited incumbent air carriers from entering the market because these carriers may not have the resources that legacy air carriers have to buy the slots necessary to remain viable and competitive.

In addition, concerns were raised that if carriers are forced to cut back on existing schedules, service to small communities could decrease because there will be pressure on air carriers that lose slots to move slots currently used for small community service to larger, more lucrative markets. Similarly, slots purchased at an auction could be used only for large markets.

Despite the concerns raised at the hearing, on October 10, 2008, the FAA issued a final rule to proceed with its plan to auction takeoff and landing slots at the New York airports. However, on December 8, 2008, the D.C. Circuit Court of Appeals issued a stay of any slot auction implementation.

AVIATION SECURITY: AN UPDATE

On July 24, 2008, the Subcommittee held a hearing to review updates on aviation security. Before the terrorist attacks of September 11, 2001, aviation security in the United States was shaped largely as a result of past events such as the proliferation of domestic hijackings between 1961 and 1972 and the 1988 bombing of Pan Am flight 103. Following the attacks of September 11, 2001, Congress made significant changes to aviation security policy and strategy, including federalizing the screener workforce and requiring 100 percent screening of carry-on and checked baggage. On

March 26, 2007, the U.S. Department of Homeland Security released the National Strategy for Aviation Security; the strategy aligns Federal Government aviation security programs and initiatives into a comprehensive and cohesive national effort involving appropriate Federal, state, local, and tribal governments and the private sector to provide active layered aviation security for the United States.

The hearing focused on progress made in aviation security with regard to screening procedures and technologies, domestic passenger air cargo, secure flight—United States visitor and immigrant status indicator technology, and foreign repair stations. Special focus was paid to screening procedures and technologies including: passenger and carry-on baggage screening; checked baggage screening; employee screening pilot program; transportation security officers staffing; crew personnel advanced security system; registered traveler program; and biometrics. The Assistant Secretary of Homeland Security highlighted TSA's new "checkpoint evolution," which includes improved security, better training, process, and technology. GAO reported that TSA made limited progress in developing and deploying checkpoint technologies; it had a large challenge to screen 100 percent of cargo; and continued challenges with development and implementation of the Secure Flight program. Others within the aviation community shared their positions on TSA's checkpoint evolution, other security projects, process and technologies.

FAA Aircraft Certification: Alleged Regulatory Lapses in the Certification and Manufacture of the Eclipse EA–500

On September 17, 2008, the Subcommittee held a hearing on FAA aircraft certification: alleged regulatory lapses in the certification and manufacture of the Eclipse EA–500. O&I staff and the DOT IG investigated allegations that the FAA rushed to approve both the type ("TC") and production certifications ("PC") of a new very light jet ("VLJ"), the Eclipse EA–500, despite safety concerns with the design and manufacturing of the aircraft raised by a number of FAA certification engineers and aviation safety inspectors. FAA certification engineers and inspectors who insisted on correction of these design deficiencies before certification were allegedly relieved of their duties with the Eclipse program by senior FAA management and replaced by those more amenable to management's desire to certify the aircraft by an agency self-imposed deadline of September 30, 2006.

The FAA admitted to mistakes during the Eclipse certification, but it claimed that no Federal regulations were violated. However, when the findings and assertions uncovered in this investigation are viewed in total, the O&I Majority staff believe that there is a disturbing suggestion that there was a "cozy relationship" and reduced level of vigilance on the FAA's part during both the TC and the PC approval process of the EA–500. Based upon the results of the DOT IG investigation, and the conclusions of the FAA's "lessons learned" review, and—most importantly—the problems that continue to impact pilots of the aircraft, the DOT IG believes that the FAA should have exercised greater diligence in certifying the

EA–500 design because the EA–500 represented a new class of aircraft.

According to the O&I Majority staff, when design deficiencies were identified that were non-compliant with FAA certification requirements, senior FAA management became personally involved in the certification, overruled lower-level engineers and inspectors, and worked to find alternate means of compliance approval. One broad policy issue that needs further examination relates to the many "loopholes" that the FAA has at its disposal to find "alternative means of compliance" or "equivalent levels of safety" for certification regulations. Thus, the allegations and findings in this case are cause for concern and suggest the immediate need for a broad policy review of FAA certification practices.

The Minority staff issued a separate Summary of Subject Matter memorandum for this hearing. The Minority agrees that there are lessons to be learned from the certification of a brand new type of aircraft, such as the Eclipse EA–500 very light jet. However, they reject the inference that the certification process that occurred on the Eclipse project was representative of certification projects around the industry. The Minority points out that the DOT IG has indicated that he has not received any similar allegations or complaints from other parts of the industry or the FAA. In addition, the Minority believes it is important for the FAA to continually review and update as necessary the Federal Aviation Regulations for aircraft certification to accommodate new kinds of aircraft technology. However, it is also important to remember that FAA certification is based on collaboration, coordination, and information sharing, and the Minority believes that part of the process should not be changed or stifled.

RUNWAY SAFETY: AN UPDATE

On September 25, 2008, the Subcommittee met to receive testimony on runway safety. This hearing was a follow-up to the Subcommittee's February 13, 2008 hearing on the issue. With an anticipated increase in passenger traffic, maintaining safe ground operations for take offs and landings, taxiing operations, and movement to and from gates remains critical. GAO reported that rate of runway incursions had increased to 6.75 incidents per million operations for the first three quarters of FY 2008. As of the hearing date, there were 25 severe runway incursions in FY 2008, which was slightly higher than the previous fiscal year.

GAO indicated that the FAA had made significant progress in deploying safety technologies, but noted that the FAA still has work to do in addressing human factors by increasing training for pilots and air traffic controllers as well as revising procedures. As of the hearing date, the FAA had deployed runway status lights at 22 major airports and Airport Surface Detection Equipment Model-X ("ASDE–X") was operational at 17 airports. The FAA was moving forward with several other technologies to assist pilots and ground crew in enhancing situational awareness, ground markings and signals, and increased taxiing areas.

An executive at the Dallas/Fort Worth International Airport testified that the airport's multi-faceted approach in all of these areas had increased the safety at that airport. The FAA also testified

that it is moving forward with work on the human factors by developing a voluntary safety reporting system for air traffic controllers and working with pilots to understand pilot errors. The FAA noted at the hearing that it conducted the first annual Fatigue Symposium to better understand the effect of fatigue in the aviation environment.

The Subcommittee also held nine briefings and roundtable discussions in the 110th Congress on issues such as NextGen, aviation security, aviation safety, the impact of fuel on aviation, and consumer issues.

SUMMARY OF ACTIVITIES FOR THE SUBCOMMITTEE ON COAST GUARD AND MARITIME TRANSPORTATION

During the 110th Congress, the Subcommittee on Coast Guard and Maritime Transportation, chaired by Representative Elijah E. Cummings, with Representative Steven LaTourette serving as Ranking Member, held 25 hearings (162 witnesses and approximately 84 hours of testimony) covering the breadth of issues within the jurisdiction of the Subcommittee.

The Committee on Transportation and Infrastructure developed major legislation, H.R. 2830, the "Coast Guard Authorization Act of 2008", to reauthorize the Coast Guard, provide $8.4 billion for the Coast Guard's operations and capital procurements, and authorize an increase in the total number of military personnel to 47,000. This legislation will also make significant changes in Coast Guard policies and operations, including in the Coast Guard's marine safety program, its administrative law judge program, its security programs, and in the admissions process at the Coast Guard Academy. H.R. 2830 passed the House of Representatives on September 20, 2007. The Senate did not complete action on the legislation.

The Subcommittee also developed major legislation to strengthen the Coast Guard's management of the procurements it is conducting under the Integrated Deepwater Program, a $24 billion, 25-year acquisitions effort intended to replace or rehabilitate the service's surface and aviation assets. This legislation passed the House of Representatives as H.R. 2722, on July 31, 2007, and as H.R. 6999 on September 27, 2008. The Senate did not complete action on the legislation.

The following bills and resolutions were enacted in the 110th Congress:

Public Law 110–280, the Maritime Pollution Prevention Act of 2008,

Public Law 110–407, the Drug Trafficking Vessel Interdiction Act of 2008,

Public Law 110–364, the Oregon Surplus Federal Land Act,

Public Law 110–375, a bill to repeal the provision of title 46, United States Code, requiring a license for employment in the business of salvaging on the coast of Florida,

Public Law 110–229, section 202, the Jupiter Inlet Lighthouse Outstanding Natural Area Act of 2008,

H. Res. 343, commemorating the marinas of the United States, expressing support for the designation of the sixth annual National Marina Day, and for other purposes,

H. Res. 386, recognizing the Coast Guard, the Coast Guard Auxiliary, and other boating safety organizations for their efforts to promote National Safe Boating Week,

H. Res. 413, recognizing the service of United States Merchant Marine veterans,

H. Res. 505, recognizing the innumerable contributions of the recreational boating community and the boating industry to the continuing prosperity and affluence of the United States,

H. Res. 549, recognizing the importance of America's Waterway Watch program, and for other purposes,

H. Res. 822, recognizing the 100th anniversary year of the founding of the Port of Los Angeles,

H. Res. 853, honoring those who have volunteered to assist in the cleanup of the November 7, 2007, oil spill in San Francisco Bay,

H. Res. 866, honoring the brave men and women of the United States Coast Guard whose tireless work, dedication, and commitment to protecting the United States have led to the Coast Guard seizing over 350,000 pounds of cocaine at sea during 2007, far surpassing all of our previous records,

H. Res. 1241, resolution congratulating Ensign DeCarol Davis upon her serving as the valedictorian of the Coast Guard Academy's class of 2008 and becoming the first African American to earn this honor, and encouraging the Coast Guard Academy to seek and enroll diverse candidates in the cadet corps, and,

H. Res. 1382, honoring the heritage of the Coast Guard.

Other bills that passed the House include:

H.R. 2830, the "Coast Guard Authorization Act of 2008",

H.R. 2722, the "Integrated Deepwater Program Reform Act", and

H.R. 6999, the "Integrated Deepwater Program Reform Act of 2008".

Public Laws and House Resolutions

MARITIME POLLUTIONS PREVENTION ACT OF 2008

Public Law 110–280

(H.R. 802)

July 21, 2008

The International Convention for the Prevention of Pollution from Ships, known as MARPOL, is a treaty negotiated by the members of the United Nation's International Maritime Organization to limit various forms of pollution emitted by ocean-going vessels. Annex VI, which has been in force internationally since 2005, limits air pollution emitted by ships, including limiting emissions of nitrogen oxides and prohibiting the deliberate release of substances that deplete atmospheric ozone. This law institutes the legal changes needed to bring the United States into compliance with Annex VI. With these legal changes, the United States was able to deposit its instrument of ratification and thus to formally join Annex VI.

DRUG TRAFFICKING VESSEL INTERDICTION ACT OF 2008

Public Law 110–407

(S. 3598)

This law establishes criminal and civil penalties for operating a submersible or semisubmersible vessel without nationality on the high seas. These vessels are currently being used to smuggle large amounts of cocaine and other drugs into the United States.

OREGON SURPLUS FEDERAL LAND ACT OF 2008

Public Law 110–364

(H.R. 6370)

This law transferred 24 acres of excess Federal property administered by the Coast Guard to the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians. The transfer will include the Cape Arago Light Station, in Coos County, Oregon, which will be transferred to the Secretary of the Interior and held in trust for the benefit of the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians. Under the terms provided in the law, the Light Station is to be made available to the general public for educational, park, recreational, cultural, and historic preservation purposes.

TO REPEAL THE PROVISION OF TITLE 46, UNITED STATES CODE, REQUIRING A LICENSE FOR EMPLOYMENT IN THE BUSINESS OF SALVAGING ON THE COAST OF FLORIDA

Public Law 110–375

(S. 2482)

October 8, 2008

This law repeals an antiquated law that required vessels—and the captains of vessels—conducting salvage operations off the coast of Florida to obtain licenses from a United States District Court. The antiquated law, which applied only to Florida, was adopted in 1847; no license had been issued under this law since approximately 1921.

JUPITER INLET LIGHTHOUSE OUTSTANDING NATURAL AREA ACT OF 2008

Public Law 110–229, Section 202

(H.R. 1922)

May 8, 2008

Section 202 of Public Law 110–229, the Consolidated Natural Resources Act of 2008, establishes the Jupiter Inlet Lighthouse Outstanding Natural Area in Palm Beach County, Florida. Located at the confluence of the Indian and Loxahatchee Rivers, the Jupiter

Island Inlet frames a point of land that has played a significant role in Florida coastal history for centuries. The Jupiter Island Inlet Lighthouse, built atop a prehistoric Indian mound, was first lit on July 10, 1860, and the 156-foot structure is the oldest existing building in Palm Beach County. The lighthouse was transferred from the Navy to the U.S. Coast Guard in 1939, and it was added to the National Register of Historic Places on November 15, 1973. In 1986, much of the reservation around the lighthouse was returned to public land status under the Bureau of Land Management, which coordinates management activities by six separate entities under the Jupiter Inlet Coordinated Resource Management Plan. Section 202 of Public Law 110–229 requires the Secretary of the Interior to develop a comprehensive management plan for the Jupiter Inlet Lighthouse Outstanding Natural Area within three years, and specifies that the requirements of the management plan will not affect on-going or planned Coast Guard operations in the Natural Area.

COMMEMORATING THE MARINAS OF THE UNITED STATES, EXPRESSING SUPPORT FOR THE DESIGNATION OF THE SIXTH ANNUAL NATIONAL MARINA DAY, AND FOR OTHER PURPOSES

(H. Res. 343)

May 15, 2007

H. Res. 343 recognizes the House of Representatives' support for National Marina Day, which acknowledges the important role recreational boaters and marina operators play in giving shelter and providing gateways to the nearly 13 million recreational boats registered in the United States. National Marina Day also recognizes the important role that recreational boaters and marina operators play in protecting our nation's critical marine resources and in providing education programs intended to improve the safety of recreational boating.

RECOGNIZING THE COAST GUARD, THE COAST GUARD AUXILIARY, AND OTHER BOATING SAFETY ORGANIZATIONS FOR THEIR EFFORTS TO PROMOTE NATIONAL SAFE BOATING WEEK

(H. Res. 386)

May 15, 2007

Through H. Res. 386, the House of Representatives commends the Coast Guard, the Coast Guard Auxiliary, and the National Safe Boating Council for their efforts to promote National Safe Boating Week, which is designated as the week of May 19–25, 2007. There are an estimated 78 million recreational boaters and nearly 13 million recreational vessels registered in the United States, making recreational boating one of our nation's most popular pastimes. Recreational boating accidents claimed the lives of 697 Americans in 2005; many of these victims drowned after falls overboard because they were not properly using a personal flotation device. This resolution supports the goals of National Safe Boating Week by

highlighting recreational boating safety education programs and promoting the use of personal flotation devices.

RECOGNIZING THE SERVICE OF UNITED STATES MERCHANT MARINE VETERANS

(H. Res. 413)

May 22, 2007

H. Res. 413 expresses the House of Representatives' support for the service of U.S. Merchant Marine veterans. Since 1775, U.S. Merchant Mariners have served valiantly in times of peace and in every war the U.S. has fought. Today, more than 8,000 Merchant Mariners serve in the Military Sealift Command, and civilian-crewed military support ships have moved approximately 79 million square feet of cargo to U.S. troops in Iraq and throughout the world since September 11, 2001.

H. Res. 413 pays special tribute to the estimated 250,000 Americans who served in the War Shipping Administration, which moved 95 percent of the goods and materiel used by the Allies during World War II. The Congressional Research Service reports that more than 50 percent of those who served in the Merchant Marine in World War II were under age 25. An estimated 20,000 Merchant Mariners were killed or wounded in the War, yielding the Merchant Marine with the highest casualty rate of any service. Despite their gallant service, however, World War II-era U.S. Merchant Mariners have still not received many of the benefits given to those who served in the other U.S. military forces engaged in World War II.

RECOGNIZING THE INNUMERABLE CONTRIBUTIONS OF THE RECREATIONAL BOATING COMMUNITY AND THE BOATING INDUSTRY TO THE CONTINUING PROSPERITY AND AFFLUENCE OF THE UNITED STATES

(H. Res. 505)

June 25, 2008

H. Res. 505 expresses the House of Representatives' support for National Boating Day, which highlights the contributions of the recreational boating community and the boating industry to the United States' economy and to the environmental stewardship of marine resources. This resolution also encourages the President to issue a proclamation calling on the people of the United States to observe National Boating Day with appropriate programs and activities.

RECOGNIZING THE IMPORTANCE OF AMERICA'S WATERWAY WATCH PROGRAM, AND FOR OTHER PURPOSES

(H. Res. 549)

October 17, 2007

H. Res. 549 expresses the House of Representatives' support for the contributions made to the nation's security by the Coast Guard's America's Waterway Watch program. There are 95,000 miles of shoreline, 300,000 square miles of waterways, 6,000 bridges, 360 ports of call, and 12,000 marinas in the United States. With the threat of terrorist activity along the nation's shores, millions of Americans who participate in recreational boating and who work, play, and live around our waterfronts, rivers, lakes, and coastal areas have become part of our nation's first line of defense through America's Waterway Watch program. The Waterway Watch program encourages citizens to report suspicious activities around tunnels, bridges, ports, ships, military bases, coasts and other water-related resources by calling 911 or a national toll free number. This resolution recognizes the importance of increasing maritime domain awareness and supports the goals of America's Waterway Watch program.

RECOGNIZING THE 100TH ANNIVERSARY YEAR OF THE FOUNDING OF THE PORT OF LOS ANGELES

(H. Res. 822)

December 5, 2007

Through H. Res. 822, the House of Representatives commemorates the 100th Anniversary Year of the Founding of the Port of Los Angeles. Founded in December 1907, the Port of Los Angeles is part of Southern California's San Pedro Bay Port Complex, which includes the Port of Long Beach; together, these ports handle more than 43 percent of all goods arriving in the U.S. Since 1996, the Port of Los Angeles has grown 246 percent, tripling its trade-related jobs and generating $256 billion in commerce and $28 billion in tax revenue. In 2006, the Port of Los Angeles handled more than 8.5 million 20-foot equivalency container units ("TEUs"), which helped it retain its status as the leading container port in the United States for the seventh consecutive year. This resolution congratulates the Port of Los Angeles for its achievements in implementing innovative and modern transportation and goods movements systems that are compatible with the environmental stewardship programs it implements.

HONORING THOSE WHO HAVE VOLUNTEERED TO ASSIST IN THE CLEANUP OF THE NOVEMBER 7, 2007 OIL SPILL IN SAN FRANCISCO BAY

(H. Res. 853)

December 11, 2007

H. Res. 853 recognizes the House of Representatives' support for the volunteers who assisted in the cleanup of the nearly 58,000 gallons of toxic bunker fuel spilled into San Francisco Bay when the COSCO BUSAN collided with the San Francisco-Oakland Bay Bridge on November 7, 2007. Following the spill, which closed 28 beaches around the Bay, thousands of private citizens volunteered to assist in cleaning oil spilled on the coastline and in collecting and treating oiled wildlife. This resolution recognizes the contributions made by many Bay Area environmental organizations, including the Pacific Coast Federation of Fishermen's Associations, members of the San Francisco Crab Boat Owners Association, commercial crabbers, and other Bay Area fishermen, and the city of San Francisco's Department of Emergency Management to the overall response effort.

HONORING THE BRAVE MEN AND WOMEN OF THE UNITED STATES COAST GUARD WHOSE TIRELESS WORK, DEDICATION, AND COMMITMENT TO PROTECTING THE UNITED STATES HAVE LED TO THE COAST GUARD SEIZING OVER 350,000 POUNDS OF COCAINE AT SEA DURING 2007, FAR SURPASSING ALL OF OUR PREVIOUS RECORDS

(H. Res. 866)

January 22, 2008

H. Res. 866 recognizes the House of Representatives' support for the men and women of the U.S. Coast Guard whose tireless work, dedication, and commitment to protecting the United States enabled the service to seize more than 350,000 pounds of cocaine at sea during 2007. These seizures in 2007, which had a estimated street value of $4.7 billion, exceeded all previous records set by the Coast Guard for seizures in a single year. This record of success is also a testament to the Coast Guard's successful collaboration with many other agencies, including the Department of Homeland Security, Department of Defense, Customs and Border Patrol, Immigration and Customs Enforcement, Drug Enforcement Agency, Federal Bureau of Investigation, the U.S. Navy, and other Federal, state, and international partners.

CONGRATULATING ENSIGN DECAROL DAVIS UPON HER SERVING AS THE VALEDICTORIAN OF THE COAST GUARD ACADEMY'S CLASS OF 2008 AND BECOMING THE FIRST AFRICAN AMERICAN TO EARN THIS HONOR, AND ENCOURAGING THE COAST GUARD ACADEMY TO SEEK AND ENROLL DIVERSE CANDIDATES IN THE CADET CORPS

(H. Res. 1241)

July 22, 2008

Through H. Res. 1241, the House of Representatives congratulates Ensign DeCarol Davis for becoming the first African American female to be valedictorian of the Coast Guard Academy. Ensign Davis' many accomplishments include selection as a 2007 Truman Scholar, selection to the 2006 Arthur Ashe, Jr. Women's Basketball First Team Sports Scholar, and selection as a member of the 2007 ESPN The Magazine Academic All-District I College Women's Basketball First Team. Ensign Davis is also the recipient of the 2008 Connecticut Technology Council Women of Innovation Award. Ensign Davis' community outreach during her time at the Coast Guard Academy significantly impacted the lives of others, including those at a local elementary school where Ensign Davis wrote and directed a play that introduced engineering to the students as a possible career choice. In addition to honoring Ensign Davis' accomplishments, this resolution also encourages the Coast Guard to seek diverse candidates for the Coast Guard Academy.

HONORING THE HERITAGE OF THE UNITED STATES COAST GUARD

(H. RES. 1382)

September 29, 2008

Through H. Res. 1382, the House of Representatives honors the heritage of the U.S. Coast Guard. The Coast Guard and its predecessor organizations have a long and distinguished heritage dating back to the very first Congress in 1789, when Congress tasked the Department of the Treasury with maintaining aids to navigation, including lighthouses and buoys, and documenting U.S. flag vessels. The modern Coast Guard was created in January 1915, when the Revenue Cutter Service and the Life-Saving Service were merged by an Act of Congress to form the Coast Guard as an agency of the Department of the Treasury. The Lighthouse Service became part of the Coast Guard in July 1939. The Bureau of Marine Inspection and Navigation (created following the merger of the Steamboat Inspection Service and the Bureau of Navigation) became part of the Coast Guard in 1946. In 1967, the Coast Guard was transferred from the Department of the Treasury to the newly established Department of Transportation; it was subsequently transferred to the Department of Homeland Security in March 2003. This resolution recognizes and honors all the men and women who have served in the Coast Guard and its predecessor organizations since August 7, 1789.

Other Legislation

COAST GUARD AUTHORIZATION ACT OF 2007

(H.R. 2830)

Passed the House on April 24, 2008

H.R. 2830, the "Coast Guard Authorization Act of 2007", authorizes $8.4 billion for the Coast Guard and authorizes an increase in the total number of military personnel to 47,000. The bill also supports a reorganization of the Coast Guard's senior leadership by eliminating the two Area Commands (Pacific and Atlantic) established by law and the Coast Guard Chief of Staff position and replacing these positions with four Vice Admirals: the Deputy Commandant for Mission Support; the Deputy Commandant for National Operations and Policy; the Commander, Force Readiness Command; and the Commander, Operations Command. In addition, the bill promotes the Vice Commandant to a full four-star Admiral.

H.R. 2830 includes measures to enhance the Coast Guard's Marine Safety program by establishing an Assistant Commandant for Marine Safety and establishing minimum qualifications for marine safety personnel. H.R. 2830 also creates an Assistant Commandant for Port and Waterways Security, who will be a security specialist responsible for all regulations and policies regarding security in our nation's ports and waterways.

H.R. 2830 requires that as new liquefied natural gas ("LNG") terminals are approved, all of the resources necessary to adequately secure these terminals are in place.

Title V, the "Ballast Water Treatment Act of 2008", of the bill establishes mandatory ballast water treatment standards for all vessels entering U.S. ports from overseas. These standards are based on the International Convention for the Control and Management of Ships Ballast Water & Sediments, but increase the treatment standards, accelerate the phase-in schedule, and facilitate an increase in treatment standards at regular intervals based on the best available technology available at the time.

To ensure that the Coast Guard has the resources it needs to carryout its missions, the bill includes provisions to strengthen the service's management of its acquisitions programs, including the $24 billion, 25-year Deepwater procurements. Among these provisions, the bill phases-out the Coast Guard's use of lead systems integrators by October 1, 2011, and requires the Coast Guard to maintain the authority to establish, approve, and maintain technical requirements. The bill also requires third-party certification of assets obtained under Deepwater to ensure that they meet all contractual requirements and quality standards.

H.R. 2830 gives mariners the right to have cases involving the potential suspension or revocation of their professional credentials heard by the National Transportation Safety Board's Administrative Law Judge system. Further, the bill creates an ombudsman in each Coast Guard District to serve as a liaison between the Coast Guard and the port and maritime community.

Finally, to expand diversity at the Coast Guard Academy and throughout the service's officer corps, the bill requires applicants to the Academy to be nominated by Members of Congress or other authorities.

INTEGRATED DEEPWATER PROGRAM REFORM ACT

(H.R. 2722)

Passed the House on July 31, 2007

H.R. 2722 makes significant changes in the Coast Guard's management of its Deepwater acquisition programs, which constitute a series of procurements intended to replace or upgrade the Coast Guard's surface and aviation assets over a 25-year period at a cost of $24 billion.

This legislation responds directly to specific failures that have occurred in the Deepwater program since its inception in 2002 and that were the subject of extensive hearings in both the Subcommittee and the Full Committee. These procurement failures include the expenditure of approximately $100 million to lengthen eight 110-foot patrol boats to 123 feet and upgrade their information technology suites; the lengthening resulted in hull deformations that eventually caused the boats to be removed from service. Under Deepwater, the Coast Guard also obligated more than $100 million to develop a vertical unmanned aerial vehicle—but the prototype crashed and the program was eventually suspended.

To prevent such failures in future procurements under Deepwater, H.R. 2722 eliminates the use of a lead systems integrator, which are private firms hired by the Coast Guard to manage almost all aspects of the implementation of the Deepwater program, including managing the procurement of individual assets purchased under the program. The bill also requires the use of full and open competition for all Deepwater procurements to help control costs and ensure the Coast Guard receives the best value for taxpayers' resources, and it requires third-party certification of assets to ensure that they meet all contractual and quality standards. Further, the bill requires the appointment of a civilian as Chief Acquisitions Officer to bring to this critical position the professional experience and expertise that is not currently cultivated among uniformed Coast Guard officers.

INTEGRATED DEEPWATER PROGRAM REFORM ACT OF 2008

(H.R. 6999)

Passed the House on September 27, 2008

H.R. 6999, which is based on H.R. 2722, and on S. 924, which passed the Senate, strengthens the Coast Guard's ability to manage its major acquisitions efforts, including those conducted under the 25-year, $25 billion Deepwater program.

H.R. 6999 requires the Coast Guard to eliminate the use of all private sector lead systems integrators by October 2011—the same date on which their use is phased out in the Department of Defense. The legislation also requires the conduct of an alternatives

analysis before the service procures an experimental, technically immature, or first-in-class major asset. Further, the bill requires the regular submission of acquisition program reviews to Congress—including notification of cost overruns and schedule delays—so that Congress is aware of emerging issues before they become crises.

This bill establishes the position of Chief Acquisitions Officer in statute and requires that it be filled with a fully qualified individual who can, at the Commandant's choosing, be a civilian member of the senior executive service or a uniformed member of the Coast Guard but who must, either case, have a Level III Acquisitions qualification and 10 years of experience managing acquisitions efforts. The bill requires independent, third-party certification of assets, and requires that appropriate testing be performed on asset designs so that problems can be identified before construction of an asset begins.

In addition, H.R. 6999 makes it a crime to operate a submersible or semi-submersible vessel that is not registered in any country. Such vessels are often used to smuggle illegal drugs into the United States.

Hearings

During the 110th Congress, the Subcommittee on Coast Guard and Maritime Transportation held 26 hearings.

Oversight Hearing of Coast Guard Integrated Deepwater System

On January 30, 2007, the Subcommittee held a hearing on the Coast Guard's Integrated Deepwater System program ("Deepwater"). Deepwater is a series of procurements expected to replace or upgrade all of the Coast Guard's surface and air assets over a 25-year period at a cost of $24 billion. The Deepwater program has been plagued by a series of procurement failures, including the failure of the effort to lengthen 110-foot patrol boats to 123 feet, which yielded eight vessels that experienced hull anomalies and eventually had to be removed from service and decommissioned.

The Subcommittee heard testimony from the Coast Guard Commandant, Admiral Thad Allen, Dr. Leo Mackay, President of Integrated Coast Guard Systems, and Mr. Phillip Teel, President of Northrop Grumman Ship Systems. The Subcommittee also considered the findings of a report released by the Department of Homeland Security's Office of Inspector General ("DHS IG"), which indicated that the National Security Cutter ("NSC"), the largest asset to be procured under Deepwater, suffers from extensive design flaws that will likely reduce its service life. The DHS IG's report suggested that the Coast Guard and its contractors knowingly built a ship with a flawed design that may require expensive repairs and may still not meet the service requirements of the Deepwater contract.

OVERSIGHT HEARING OF COAST GUARD SHORT SEA SHIPPING SYSTEM

On February 15, 2007, the Subcommittee held a hearing to examine the state of short sea shipping—which is the waterborne movement of commercial freight between two ports in the United States or between ports in the United States and Canada—and to identify the impediments that may be limiting the growth of short sea shipping.

At the present time, the most highly developed water freight transportation systems in the United States operate on the Mississippi River, the Great Lakes, and the St. Lawrence Seaway and often carry agricultural products and other raw materials. However, the Maritime Administration has found that these routes are carrying only about 13 percent of total freight tonnage in the United States. By comparison, nearly 70 percent of the freight tonnage transported in the United States is moved by trucks traveling across our nation's roadways.

Witnesses who testified during the hearing, including Mr. Collister Johnson, the Administrator of the St. Lawrence Seaway Development Corporation, and Mr. Greg Ward, Vice President of the Detroit-Windsor Truck Ferry, stated that one of the greatest impediments to the development of short sea shipping is the Harbor Maintenance Tax, which is a tax assessed on cargo loaded or unloaded at a U.S. port at the rate of $125 per $100,000 of cargo value. This tax was identified as a factor limiting the growth of short sea shipping because it is not applied to cargo movements on other transportation modes, it can be difficult to collect (because it is assessed on an ad valorum basis), and because cargo can be double-taxed under certain circumstances.

COAST GUARD BUDGET AND AUTHORIZATION FOR FISCAL YEAR 2008

On March 8, 2007, the Subcommittee held a hearing to consider the Administration's fiscal year ("FY") 2008 budget requests for the U.S. Coast Guard. The Subcommittee also received testimony from the Coast Guard, the DHS IG, and the Government Accountability Office on Deepwater.

Regarding the Coast Guard's FY 2008 budget request, testimony indicated that proposed funding levels for search and rescue, marine safety, aids-to-navigation, icebreaking, and the protection of living resources were all lower than amounts that were appropriated for these purposes in fiscal year 2007. Commandant Allen also testified about specific capital needs that were unmet in the fiscal year 2008 budget request, particularly capital to upgrade housing facilities.

Regarding the Deepwater procurements, the DHS Inspector General, Mr. Richard Skinner, testified that the Coast Guard had had difficulty holding contractors working on the Deepwater procurements accountable because asset operational and performance requirements were poorly defined. He also testified that the Coast Guard did not have the right number of staff—or the right mix of professional expertise—to manage the Deepwater acquisitions. Mr. Skinner also emphasized that because there is no career path for military personnel in the Coast Guard to pursue appointment to

acquisitions-related positions, it is difficult to ensure that these personnel receive the training and experience they need to manage a major acquisition.

CRIMES AGAINST AMERICANS ON CRUISE SHIPS

On March 27, 2007, the Subcommittee held a hearing to examine the incidents of crime that occur on cruise ships and the extent to which Federal agencies have the information, legal authorities, and resources necessary to investigate and prosecute crimes that may occur on these ships.

There are approximately 200 overnight ocean-going cruise ships worldwide, only three of which operate under the U.S. flag. Because of their foreign registration, cruise ships are not subject to the same laws with which land-based corporations or U.S.-flag vessels must comply. However, section 7 of title 18, United States Code, gives the United States Government extraterritorial jurisdiction over these vessels in limited circumstances when these vessels are operating under the "Special Maritime and Territorial Jurisdiction" of the United States ("SMTJ"). Even with this jurisdiction, however, the crimes over which the U.S. asserts jurisdiction are limited—and while crime appears to be rare on cruise ships, the unique circumstances of cruising can make it very difficult for U.S. authorities to investigate crimes on cruise ships in a timely manner or to prosecute those who commit crimes. The Federal Bureau of Investigation ("FBI") indicated that it opened only 50 to 60 case files each year for crimes on cruise ships.

Under the terms of section 7 of title 18, cruise lines are not legally required to report crimes to U.S. government officials unless they occur within the 12-mile territorial waters of the United States. However, at the time of the March 2007 hearing, many cruise lines had been voluntarily reporting alleged crimes to the FBI regardless of where they occurred. Testimony presented during the hearing indicated that the cruise industry, the FBI, and the Coast Guard were developing a voluntary reporting scheme that would define the types of incidents to be reported to the FBI and the timeframe within which they were to be reported.

At the conclusion of this hearing, at the request of the Subcommittee Chairman, representatives of the cruise line industry and victims and the family members of victims of alleged crimes on cruise ships agreed to meet to examine ways of improving security and safety on cruise ships.

SAFETY AND SECURITY OF LIQUEFIED NATURAL GAS AND THE IMPACT ON PORT OPERATIONS

On April 23, 2007, the Subcommittee conducted a field hearing in Baltimore, Maryland to examine the safety and security of LNG terminals and their impact on port operations. The hearing also examined the proposed AES Sparrows Point LNG terminal at Sparrows Point in the Port of Baltimore to assess its potential impact on the safety and security of the City of Baltimore as well as on the operations of the Port of Baltimore.

The authority to approve or deny the proposed siting of an onshore LNG terminal rests with the Federal Energy Regulatory

Commission ("FERC"). However, the Coast Guard assists FERC in evaluating proposed sitings by issuing a waterway suitability report, which assesses the potential impact of a proposed terminal on maritime operations in the vicinity of the proposed terminal and the security needs and security impacts of proposed terminals. The Coast Guard also imposes security zones and specific security requirements around the tanker ships that service LNG terminals.

Testimony presented at this hearing indicated that at the Cove Point LNG facility in Calvert County, Maryland, the Coast Guard had transferred some responsibilities for providing waterside security around the terminal and tankers to the terminal operator, which had contracted with the local sheriff's department for security services. This transfer of responsibility eased demands placed on the Coast Guard's limited resources.

FISHING VESSEL SAFETY

On April 25, 2007, the Subcommittee held a hearing to examine the safety of U.S. commercial fishing vessels and the extent to which the provisions of the Commercial Fishing Industry Vessel Safety Act of 1988 (P.L. 100–424) have led to improved safety in the industry.

Commercial fishing is the most hazardous occupation in the United States according to the Department of Labor's Bureau of Labor Statistics, which has found that the rate of death among commercial fishermen is 118 per 100,000 workers. A study published by the Coast Guard in 2006 found that between 1994 and 2004, even as commercial fishing levels declined, 1,398 commercial fishing vessels were lost, resulting in 641 deaths. The industry appears to have such a high casualty rate because fishing vessels—unlike other commercial vessels—are not required to be built to standards specified by the Coast Guard, crewmembers are generally not required to be licensed or documented by the Coast Guard or to complete specific professional training courses, and compliance with existing regulations regarding life-saving equipment required to be carried on board a commercial fishing vessel and the conduct of required safety drills is not universal. This hearing examined whether safety standards applying to other commercial vessels operating in hazardous waters should be applied to commercial fishing vessels.

Witnesses, including representatives from the Coast Guard, researchers, trainers, and fishermen, supported taking additional steps to improve safety in what is America's most hazardous industry. Safety measures recommended for consideration included increasing requirements for training for operators of commercial fishing vessels, increasing pre-season safety compliance checks, and mandatory dockside examinations, imposing regulatory parity on all vessels operating beyond three nautical miles of the coast, and expediting the promulgation of pending safety regulations, particularly regarding stability on smaller fishing vessels.

SAFETY AND SECURITY OF LIQUEFIED NATURAL GAS

On May 7, 2007, the Subcommittee conducted a field hearing in Farmingville, New York, to examine the safety and security of LNG

terminals and their impact on port operations. The hearing also examined the proposed Broadwater floating LNG terminal in Long Island Sound.

In its Waterway Suitability Report for the proposed Broadwater terminal, the Coast Guard indicated that based on its current levels of mission activity, Sector Long Island did not have adequate resources to implement the measures it considered necessary to manage the risks to navigation safety and maritime security associated with the proposed terminal. Captain Mark O'Malley, Chief of Ports and Facilities Activities with the Coast Guard, testified that given the costs associated with conducting waterway assessments for each of the approximately 40 proposed terminal projects going through some stage of the regulatory process, and the Coast Guard's challenges in identifying resources to provide security around proposed terminals, that it would make sense from the Coast Guard's perspective for the U.S. to have a national LNG terminal siting policy.

DEEPWATER: 120-DAY UPDATE

On June 12, 2007, the Subcommittee held a hearing to receive an update from Admiral Thad Allen, the Commandant of the United States Coast Guard, on steps he had taken during the past 120 days (the time that has elapsed from a hearing held on Deepwater by the Subcommittee in January 2007) to improve the management of the Deepwater contract. The Subcommittee also heard from the Inspector General of the Department of Homeland Security, Richard Skinner.

On April 17, 2007, Admiral Allen announced six changes to the Coast Guard's management of the Deepwater program. Among these changes, he announced that the Coast Guard would assume the role of lead systems integrator and would manage life-cycle logistics functions for assets procured under Deepwater; he also announced that the service would expand the role of the American Bureau of Shipping and other appropriate third parties to ensure that design and construction standards are met. He further announced that the Coast Guard would contract with prime vendors when it was in the best interest of the government to do so. This hearing was called to examine how these new policies would be implemented.

Inspector General Skinner testified that while the Coast Guard needed to assume more direct control over the Deepwater procurements, it would take the Coast Guard a significant amount of time to fully implement the changes Admiral Allen had announced, including time to put the personnel in place who could manage those aspects of the lead systems integration and life-cycle logistics functions being brought into the Coast Guard. He also testified that the Coast Guard should develop a performance baseline so that it could measure its progress in implementing planned changes.

TRANSPORTATION WORKERS IDENTIFICATION CARD SYSTEM

On July 12, 2007, the Subcommittee held a hearing to examine the Transportation Worker Identification Credential ("TWIC") program. The TWIC program was established by the Maritime Trans-

portation Security Act of 2002 to ensure that transportation workers who have access to secure areas of maritime facilities do not pose a terrorism security risk. The Security and Accountability for Every Port Act of 2006 ("SAFE Port Act") required that individuals who had been found guilty of treason, espionage, sedition, or terrorism be prevented from getting a TWIC. Regulations identify other convictions that disqualify individuals from getting a TWIC and the duration of the disqualifications. Applicants who are initially denied a TWIC can appeal if they believe the decision was based on erroneous information. Applicants denied a TWIC based on prior convictions can appeal for a waiver. Decisions pertaining to waiver requests are based on the circumstances of the convictions and restitution made by the individual for the conviction.

The Subcommittee convened the hearing to learn about the administrative issues that have delayed the implementation of this program for years and whether the appeal process for transportation realistically assesses the likelihood that the applicant poses a terrorism security risk. At the conclusion of the hearing, it remained unclear whether the Transportation Security Administration could issue all TWICs to those who needed one by the September 2008 implementation deadline. In addition, testimony indicated that the rules that will guide the development of the readers that are needed to enable the TWIC to be used to control access to secure locations had not been finalized and the Coast Guard could not state when these would be issued.

REVIEW OF THE COAST GUARD'S ADMINISTRATIVE LAW SYSTEM

On July 31, 2007, the Subcommittee held a hearing on the Coast Guard's administrative law system. Administrative agencies of the executive branch of the Federal Government are assigned by Congress to conduct rulemakings and to enforce their agency regulations. The body of law that pertains to these activities is called administrative law, while the judges who conduct trial type hearings in the rulemaking and adjudicatory processes are called administrative law judges ("ALJs").

The Coast Guard brings two types of cases against mariners that are adjudicated by ALJs: suspension and revocation ("S & R") cases, which are those cases in which the Coast Guard alleges mariner misconduct or negligence and seeks either the temporary suspension or the permanent revocation of a mariner's professional credential, and Class II civil offenses, which are those offenses for which civil penalties exceeding $25,000 may be assessed.

This hearing examined whether the policies and procedures that govern the Coast Guard's administrative law system comport with the requirements of the Administrative Procedures Act to ensure that all mariners accused in S & R cases receive fair hearings. The Subcommittee heard testimony from former Coast Guard ALJs alleging impropriety in the management of the administrative law system, including improper contact between members of the administrative law system and other Coast Guard personnel, accusations that the Chief ALJ pressured judges to rule in favor of the Coast Guard, and accusations that judges may have been subjected to hostile work conditions. In addition, the Subcommittee examined the application of CFR Part 20, Section 601 pre-hearing discovery

regulations during the conduct of administrative adjudications and examined the impact that the changes in procedural rules made in 1999 have had on the conduct of adjudications.

CHALLENGES FACING THE COAST GUARD'S MARINE SAFETY PROGRAM

On August 2, 2007, the Subcommittee held a hearing to examine the challenges facing the Coast Guard's Marine Safety program. The marine safety program is the program within the Coast Guard that regulates maritime transportation, including issuing official credentials to mariners, inspecting vessels for compliance with design and safety standards, and investigating accidents that occur in the marine environment (called marine casualties). The Subcommittee was concerned that after the Coast Guard assumed significant new homeland security missions following the terrorist attacks of September 11, 2001, the Service may have lost expertise in these regulatory missions, particularly given the increasing complexity of the maritime industry.

Witnesses representing industry and labor were critical of the Coast Guard's marine safety performance, and indicated that they believed those assigned to marine safety functions did not always have the competence needed to conduct thorough inspections. Several witnesses suggested that the Coast Guard should civilianize billets related to marine safety to ensure that personnel developed professional expertise as well as continuity in a single geographic area. Additionally, many professionals in the maritime industry felt that they were not treated with respect—and that the Coast Guard approached some marine safety functions with a law enforcement mentality—and they reported delays in obtaining services from the Coast Guard, including the issuance and renewal of professional credentials. The Coast Guard Commandant, Admiral Thad Allen, testified that the service had developed a substantial backlog of rulemaking projects that had not yet been completed due to the resource demands facing the service. Admiral Allen also promised to develop a "marine safety enhancement program" to address these issues.

CRUISE SHIP SECURITY PRACTICES AND PROCEDURES

On September 19, 2007, the Subcommittee held a follow up hearing on cruise ship security practices and procedures. During the March 27, 2007 Subcommittee hearing, entitled "Crimes Against Americans on Cruise Ships", representatives of the Cruise Lines International Association, Inc ("CLIA") and the victims and family members of victims of alleged crimes on cruise ships agreed at the Chairman's request to meet to discuss: (1) potential refinements in procedures for reporting alleged crimes on cruise ships to U.S. authorities; and (2) specific measures that could be implemented to improve the safety and security of passengers on cruise ships. These parties further agreed to re-appear before the Subcommittee to provide an update on the status of their discussions. This hearing was convened to receive that update and to examine whether the security practices and procedures aboard cruise ships are adequate to ensure the safety of all passengers.

Testimony indicated that on April 1, 2007, the members of CLIA, the FBI, and the United States Coast Guard implemented a voluntary agreement that defined the processes that would govern the reporting by cruise lines to the FBI and the Coast Guard of crimes over which U.S. jurisdiction might apply. The Coast Guard testified that since the agreement had been put in place, 4,379,808 passengers had embarked on cruise lines operated by the member firms of CLIA; the FBI reported that 207 incidents had been reported to it by CLIA members between April 1, 2007, and August 24, 2007. CLIA and the victims and family members of the victims of alleged crimes on cruise ships reported having several meetings to discuss specific security improvements that could be put in place on cruise ships, but no formal agreements had been reached regarding specific measures that would be implemented.

MARINER EDUCATION AND THE WORK FORCE

On October 17, 2007, the Subcommittee held a hearing on trends and innovations in mariner education and to assess how growing workforce shortages will affect the maritime industry as trade continues to increase. Specifically, the hearing considered the possible impact of various factors on workforce shortages, including wage levels; lifestyle challenges associated with employment in the maritime industry; and training requirements imposed by the Standards of Training, Certification, and Watchkeeping ("STCW") Convention.

The Coast Guard indicated that there were more than 130,000 unlicensed mariners with Merchant Mariner Documents and more than 212,500 licensed mariners in the United States at the time of this hearing. The average age of a merchant mariner with a Master's license was 51, while the average age of a Chief Engineer was 50. More than 28 percent of inland pilots and captains were over the age of 55 and would be eligible to retire in the next seven years.

Witnesses testified about the significant challenges they have recruiting and retaining vessel personnel. They also discussed the challenges mariners face moving from entry-level jobs on deck to the wheelhouse to become Masters or from entry-level positions in the engine room to Chief Engineers (known as "hawsepiping"). Witnesses suggested that Federal assistance could be provided to support mariner education programs. The Administrator of the United States Maritime Administration, Sean Connaughton, indicated that the maritime industry is experiencing a major recapitalization in practically every segment of the U.S. merchant fleet. He indicated that the towing, passenger, and offshore operators are reporting workforce shortages and stated that the Maritime Administration was conducting a survey to identify trends in the mariner workforce to identify the true magnitude of the mariner shortage.

SAN FRANCISCO: NOVEMBER 2007 OIL SPILL CAUSES AND RESPONSES

On November 19, 2007, the Subcommittee conducted a field hearing in San Francisco, California, regarding the spill of 58,000 gallons of fuel oil into San Francisco Bay that occurred when the M/

V COSCO BUSAN allided with the San Francisco-Oakland Bay Bridge on November 7, 2007.

The Coast Guard had initially stated that approximately 140 gallons had been released following the collision of the COSCO BUSAN with the Bay Bridge; it was nearly nine hours later when the Coast Guard publicly announced that the size of the spill was actually on the order of 58,000 gallons. The Coast Guard indicated, however, that the delay in calculating the full size of the spill did not delay or affect the size of the response to the oil spill. The Coast Guard's preliminary investigation of the incident did not discover any vessel mechanical or system problems; human error was believed to be the most probable cause.

TRANSPORTATION WORKERS IDENTIFICATION CARD SYSTEM—FOLLOW UP, JANUARY 23, 2008

On January 23, 2008, the Subcommittee held a hearing to examine the continued roll-out of the Transportation Worker Identification Credential. Active enrollment had been underway for approximately 90 days at the time of the hearing. The Transportation Security Administration ("TSA") which, along with the United States Coast Guard, is responsible for managing implementation of TWIC, reported that as of January 11, 2008, 49 of 147 planned enrollment centers had been opened. Approximately 109,000 TWIC pre-enrollments had been initiated, just under 50,000 enrollments had been completed, and just under 12,000 physical TWIC cards had been distributed to workers in the maritime community as of that date.

Testimony presented at the hearing revealed that initial estimates of the population that would enroll were far too low. TSA had estimated that approximately 750,000 people would enroll but it is now estimated that more than one million people will apply for the card. Reports from workers as well as port authorities, such as the Maryland Port Administration, also revealed glitches at several enrollment centers that had caused unacceptable inconveniences for those seeking to enroll. Additionally, while a deadline for enrollment has been established (September 25, 2008), the Coast Guard had not yet announced the dates by which the captain of the port zones will begin phasing in use of the card as an access control measure. Further, the Coast Guard had not yet completed a planned rulemaking that would specify which vessels would be required to install readers to utilize the TWIC to control access to secure areas.

FY 2009 BUDGET REQUESTS FOR THE COAST GUARD AND THE UNITED STATES MARITIME ADMINISTRATION

On February 26, 2008, the Subcommittee held a hearing to examine the Administration's fiscal year 2009 budget requests for the Coast Guard and the Maritime Administration ("MARAD"). The President requested $8.8 billion for fiscal year 2009 Coast Guard activities, an increase of approximately $459 million over the amount enacted in fiscal year 2008 for the service. The Coast Guard's request included a request for 276 additional personnel to fill billets in the marine safety program. However, Vice Admiral Robert Papp, the Coast Guard Chief of Staff, was unable to state

specifically how many additional personnel the Coast Guard would need to ensure that its end strength would be adequate to its mission needs.

MARAD's mission is to strengthen the United States' maritime transportation system—including its infrastructure, industry, and labor—to meet the economic and security needs of the nation. MARAD works to ensure that the United States maintains adequate shipbuilding and repair services, efficient ports, effective intermodal water and land transportation systems, and reserve shipping capacity for use in time of war. The President requested $313.3 million in fiscal year 2009 for MARAD, a decrease of approximately $21,000 below the amount enacted in 2008 for this agency.

COSCO BUSAN AND MARINE CASUALTY INVESTIGATION PROGRAM

On April 10, 2008, the Subcommittee held a hearing to receive a report from the DHS IG entitled "Collision of the M/V COSCO BUSAN with the San Francisco-Oakland Bay Bridge". This report was completed pursuant to a request made by Speaker of the House Nancy Pelosi and Subcommittee Chairman Elijah E. Cummings on December 4, 2007.

The DHS IG was very critical of the Coast Guard's investigation of this marine casualty. The IG found that five of the six individuals assigned to marine casualty investigator billets were not qualified for those positions; all three of the individuals who responded to the COSCO BUSAN were unqualified as marine casualty investigators. Likely as a result of inadequate training and experience—and the use of inadequate manuals—the investigators who responded to the COSCO BUSAN failed to identify, collect, and secure perishable evidence related to this casualty. Additionally, the Coast Guard incorrectly classified the investigation of the COSCO BUSAN casualty as an informal investigation rather than a formal investigation.

During this hearing, the Subcommittee also examined the sinking of the Fishing Vessel ALASKA RANGER on March 23, 2008, which caused the deaths of five crewmembers (including the Master, the Mate, Chief Engineer, the Fishing Master, and a crew member). This incident is the subject of on-going investigations by a Coast Guard Marine Board of Investigation and by the National Transportation Safety Board ("NTSB"). The ALASKA RANGER was a freezer trawler that was one of 40 to 50 vessels participating in the Alternative Compliance and Safety Agreement ("ACSA") program developed by Coast Guard Districts 13 (Pacific Northwest) and 17 (Alaska) after several tragedies involving other ships in this fleet. The ALASKA RANGER was enrolled in the ACSA but was not in full compliance with all of the provisions of the program agreement despite the fact that the deadline for completing all items identified by the Coast Guard as needing improvement or correction was January 1, 2008.

FY 2009 BUDGET: FEDERAL MARITIME COMMISSION

On April 15, 2008, the Subcommittee held a hearing on the Federal Maritime Commission's ("FMC") fiscal year 2009 budget re-

quest. At the time of this hearing, the FMC lacked a Chairman and the four Commissioners serving at the FMC were responsible for collectively exercising management of the Commission and for conducting its regulatory business. At that time, one Commissioner, Mr. Paul Anderson, had been nominated by the President to serve as Chairman of the Commission, but his nomination had not been considered by the Senate.

Testimony revealed that in the months prior to this hearing, the FMC was rarely holding public meetings. Testimony also suggested that the four Commissioners had limited visibility over the administration of the Commission. Responses provided by FMC employees to an earlier Federal Human Capital Survey revealed that the employees had deep concerns about the administration of the Commission, including concerns about the effectiveness of the management exercised by senior leadership, fairness in the resolution of disputes and complaints, and the ability of the Commission to recruit qualified personnel.

COAST GUARD AND NTSB CASUALTY INVESTIGATION PROGRAM

On May 20, 2008, the Subcommittee held a hearing to receive a report from the DHS IG entitled "United States Coast Guard's Management of the Marine Casualty Investigation Program" (OIG–08–51, May 2008). The Subcommittee also received testimony from the NTSB and the Coast Guard regarding which agency should exercise primacy in the conduct of marine casualty investigations.

The Inspector General's office testified that its examination of the Coast Guard's marine safety program had found that there were significant deficiencies in the operations of the program. Specifically, the IG stated that the Coast Guard's marine casualty investigation program is "hindered by unqualified personnel", by "investigations conducted at inappropriate levels", and by "ineffective management of a substantial backlog of investigations needing review and closure."

Currently, the NTSB and the Coast Guard share responsibility for investigating marine casualties under a Memorandum of Understanding ("MOU"). The NTSB testified that the MOU has at times proven awkward in cases in which the NTSB has elected to conduct an investigation only to find that in some instances, the Coast Guard has failed to preserve vital evidence. The NTSB testified in support of a proposal to have the option to elect to lead or have primary status in major marine investigations. The NTSB stated that it has similar authority for other modes of transportation, and that its proposal in the maritime arena was intended to provide clear authority to enable the Board to take the lead in the immediate aftermath of a marine casualty. The Coast Guard strongly opposed the NTSB's proposed legislative change.

REBUILDING VESSELS UNDER THE JONES ACT

On June 11, 2008, the Subcommittee held a hearing on rebuilding vessels under the Jones Act. Vessels that ply the coastal trade in the United States providing service between domestic destinations must comply with the requirements of the Jones Act, meaning that they must be built in a U.S. shipyard, owned by an Amer-

ican, and crewed by Americans. A provision added to the Jones Act in 1956—and now known as the "Second Proviso"—requires that these vessels also be rebuilt in U.S. shipyards.

In 1996, the Coast Guard issued regulations intended to establish specific standards regarding what constitutes a "rebuild" that could be uniformly applied to all Jones Act vessels. However, testimony presented during the Subcommittee's hearing suggests that these regulations have not provided the clarity that is necessary to ensure fair and adequate enforcement of the Jones Act rebuild provisions. The Coast Guard also testified that its National Vessel Documentation Center does not verify whether an applicant is being completely truthful on the applications that are submitted for initial rebuild determinations or final rebuild decisions.

The application of the Jones Act rebuild regulations are now the subject of several pending court cases. Witnesses representing U.S. ship-owners and ship-builders testified about what they considered to be the excessive rebuilding of certain ships that has been permitted to occur in foreign yards and argued that the Coast Guard's process for approving such rebuild decisions lacks adequate transparency.

Federal Maritime Commission Management and Regulation of International Shipping

On June 19, 2008, the Subcommittee held a hearing regarding the management of the Federal Maritime Commission and to examine the FMC's regulation of international shipping.

Subsequent to the April 15, 2008 hearing, Mr. Paul Anderson, a sitting Commissioner who had been nominated by the President to serve as Chair of the FMC, withdrew his nomination to serve as Chair of the Commission and resigned from the Commission. The three remaining Commissioners testified that they had begun to hold regular business meetings to consider regulatory business and that they had initiated a plan to strengthen the management of the FMC.

The hearing also considered the current status of the regulation of shipping cartels, which are collections of ocean-going liner services that collude to set prices and service levels. In 1916, Congress passed a Shipping Act that formally sanctioned the existing cartel system by granting immunity from antitrust requirements in certain circumstances for the tariff decisions and other actions taken by ocean common carriers acting in collusion. In 1984, Congress passed legislation that allowed carriers to enter into service contracts with shippers but the cartels continued to limit the ability of carriers to enter such agreements.

The Shipping Act of 1984 was subsequently amended by the Ocean Shipping Reform Act of 1998, which allowed carriers to establish confidential service contracts without the approval of conferences and without the disclosure of the negotiated rates. Nonetheless, the Act did not eliminate the conference system and the Act continued to grant antitrust immunity to many acts taken by carriers acting in collusion with one another. However, the European Union eliminated the antitrust immunity for cartels' rate setting activities in 2008. Several industry witnesses argued that the United States should also move to eliminate the cartels' immunity

for rate setting activities, while others argued that the maritime shipping field continues to have unique characteristics that require limited grants of antitrust immunity.

COAST GUARD ICEBREAKING

On July 16, 2008, the Subcommittee held a hearing on the Coast Guard's icebreaking capabilities. The Coast Guard is responsible for both domestic icebreaking on the Great Lakes and along the Eastern Coast of the United States and polar icebreaking in support of scientific research in the Arctic and Antarctic. The Coast Guard currently has three polar class icebreakers (one of which is in lay-up status due to its need for significant maintenance) and a number of multi-purpose vessels that break ice and service aids-to-navigation in domestic waters.

The Coast Guard, the National Science Foundation, and the Arctic Research Commission all support the acquisition of additional polar class icebreaking assets to support scientific research and respond to emergencies, particularly in the Arctic, which has less ice cover each year due to climate change. Representatives from Great Lakes shipping interests testified in support of additional domestic icebreaking assets to ensure that the thousands of tons of raw materials and cargo transported on the Lakes in the winter can safely reach American refineries, factories, and consumers.

PORT DEVELOPMENT AND THE ENVIRONMENT IN THE PORTS OF LOS ANGELES AND LONG BEACH

On August 4, 2008, the Subcommittee held a field hearing to examine the efforts of the Ports of Los Angeles and Long Beach to meet infrastructure needs, including through the assessment of a container fee that will be applied to containers passing through the port and then expended on projects intended to improve infrastructure in and around the port areas.

The Subcommittee also considered the ports' efforts to reduce emissions from port-related activities, including from trucks that provide drayage services at the ports as well as from vessels in transit to and from the ports. Specifically, the hearing examined the ports' adoption of the San Pedro Bay Ports Clean Air Action Plan, including the Plan's "Clean Trucks" program. Under the Clean Trucks program, the Ports of Los Angeles and Long Beach plan to assess a fee on each container loaded in the port to generate the funding necessary to replace the entire fleet of trucks providing drayage services at the ports with clean trucks meeting 2007 federal emissions standards.

DIVERSITY IN THE COAST GUARD, INCLUDING RECRUITMENT, PROMOTION, AND RETENTION OF MINORITY PERSONNEL

On September 10, 2008, the Subcommittee held a hearing regarding diversity in the Coast Guard, including the recruitment, promotion, and retention of minority personnel. The hearing examined diversity at all levels of the service, including in enrollments at the Coast Guard Academy, and accessions from all sources to the Coast Guard's officer corps and enlisted ranks.

This hearing assessed the measures being taken by Coast Guard leadership to achieve diversity in its ranks and assessed the legal authorities needed to recruit, retain and promote people to achieve a diverse workforce. The Coast Guard discussed a service-wide message it recently issued to its personnel that detailed leadership diversity initiatives the service intended to pursue. These initiatives appeared promising but lacked detail on how specific initiatives would be fully implemented or what measures would be made to assess whether they were working to achieve diversity goals.

OIL SPILL IN NEW ORLEANS IN JULY 2008 AND SAFETY ON THE INLAND RIVER SYSTEM

On September 16, 2008, the Subcommittee held a hearing to examine the circumstances surrounding the spill of 282,828 gallons of oil into the Mississippi River near New Orleans, Louisiana, that occurred on July 23, 2008, when a barge being pushed by a towing vessel crossed in front of a tanker ship and was severely damaged by the tanker. The towing vessel involved in the casualty, the Mel Oliver, was not being operated at the time of the collision by a properly licensed master. Two weeks prior to the New Orleans oil spill, the firm operating the Mel Oliver, DRD Towing, had sunk another towing vessel that was also operated by an improperly licensed individual.

Witnesses familiar with the towing industry testified that the operation of towing vessels by improperly licensed personnel—and violations of the 12-hour rule that limits the amount of time licensed personnel can work on-duty on towing vessels to 12 hours in a 24-hour period—are common. Some witnesses suggested that firms that operated with improperly licensed personnel or that violate laws intended to limit working hours may look upon any fines that they may incur for such violations as simply the "cost of doing business."

The Subcommittee also looked more broadly at safety in the towing industry, including the status of the Coast Guard's effort to complete a rulemaking needed to begin the process of inspecting all towing vessels, as required by the Coast Guard and Maritime Transportation Act of 2004 (P.L. 108–293). The Coast Guard pledged to issue a notice of proposed rulemaking to initiate that rulemaking process by the spring of 2009. As part of the inspection process, the Coast Guard will be required to set manning levels. Such levels must be adequate to ensure that a towing vessel has all of the personnel it needs to operate safely, and to ensure that licensed crew members are not placed in a position in which simple mathematics suggests that violations of the 12-hour rule may be occurring.

SUMMARY OF ACTIVITIES FOR THE SUBCOMMITTEE ON ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS, AND EMERGENCY MANAGEMENT

During the 110th Congress, the Subcommittee on Economic Development, Public Buildings, and Emergency Management, chaired by Representative Eleanor Holmes Norton, with Representative Sam Graves serving as Ranking Member, held 34 hearings (166 witnesses and approximately 81 hours) covering the breadth of issues within the jurisdiction of the Subcommittee.

The following bills and resolutions were enacted in the 110th Congress:

Public Law 110–53, Title II, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize funding for emergency management performance grants, and for other purposes,

Public Law 110–28, Title IV, Chapter 5, sections 4501 and 4502, the Hurricanes Katrina, Rita, and Wilma Federal Match Relief Act of 2007,

Public Law 110–161, Division G, Title VI, sections 601–613, the Kids in Disasters Well-being, Safety, and Health Act of 2007,

Public Law 110–371, the Appalachian Regional Development Act Amendments of 2008,

Public Law 110–234, Title VI, sections 6025 and 6026, and Title XIV, section 14217, the Regional Economic and Infrastructure Development Act of 2007,

Public Law 110–338, the John F. Kennedy Center Reauthorization Act of 2008,

Public Law 110–359, the Old Post Office Building Redevelopment Act of 2008,

Public Law 110–356, the Federal Protective Service Guard Contracting Reform Act of 2008,

Public Law 110–341, to amend Public Law 108–331 to provide for the construction and related activities in support of the Very Energetic Radiation Imaging Telescope Array System (VERITAS) project in Arizona,

Public Law 110–427, to authorize the Administrator of General Services to take certain actions with respect to parcels of real property located in Eastlake, Ohio, and Koochiching County, Minnesota, and for other purposes,

Public Law 110–244, Title IV, section 401, to authorize the Administrator of General Services to convey a parcel of real property to the Alaska Railroad Corporation,

Public Law 110–244, Title IV, section 402, to provide for the conditional conveyance of any interest retained by the United States in St. Joseph Memorial Hall in St. Joseph, Michigan,

Public Law 110–249, to amend the International Center Act to authorize the lease or sublease of certain property described

in such Act to an entity other than a foreign government or international organization if certain conditions are met,

Public Law 110–16, to provide for the construction, operation, and maintenance of an arterial road in St. Louis County, Missouri,

Public Law 110–376, the United States Fire Administration Reauthorization Act of 2008,

Public Law 110–178, the U.S. Capitol Police and Library of Congress Police Merger Implementation Act of 2007,

Public Law 110–139, to provide that the great hall of the Capitol Visitor Center shall be known as Emancipation Hall,

Public Law 110–13, to designate the United States courthouse located at 555 Independence Street, Cape Girardeau, Missouri, as the "Rush Hudson Limbaugh, Sr. United States Courthouse",

Public Law 110–14, to designate the United States courthouse at South Federal Place in Sante Fe, New Mexico, as the "Santiago E. Campos United States Courthouse",

Public Law 110–15, to designate the headquarters building of the Department of Education in Washington, DC as the "Lyndon Baines Johnson Department of Education Building",

Public Law 110–20, to redesignate the Federal building located at 167 North Main Street in Memphis, Tennessee, as the "Clifford Davis and Odell Horton Federal Building",

Public Law 110–25, to designate the Federal building and United States courthouse and customhouse located at 515 West First Street in Duluth, Minnesota, as the "Gerald W. Heaney Federal Building and United States Courthouse and Customhouse",

Public Law 110–46, to designate a United States courthouse located in Fresno, California, as the "Robert E. Coyle United States Courthouse",

Public Law 110–146, to designate the United States Courthouse located at 301 North Miami Avenue, Miami, Florida, as the "C. Clyde Atkins United States Courthouse",

Public Law 110–158, to designate the Federal building located at 210 Walnut Street in Des Moines, Iowa, as the "Neal Smith Federal Building",

Public Law 110–159, to designate the Federal building and United States courthouse located at 100 East 8th Avenue in Pine Bluff, Arkansas, as the "George Howard, Jr. Federal Building and United States Courthouse",

Public Law 110–262, to designate the United States bankruptcy courthouse located at 271 Cadman Plaza East, Brooklyn, New York, as the "Conrad Duberstein United States Bankruptcy Courthouse",

Public Law 110–264, to designate the station of the United States Border Patrol located at 25762 Madison Avenue in Murrieta, California, as the "Theodore L. Newton, Jr. and George F. Azrak Border Patrol Station",

Public Law 110–266, to designate the Port Angeles Federal Building in Port Angeles, Washington, as the "Richard B. Anderson Federal Building",

Public Law 110–276, to designate the United States customhouse building located at 31 Gonzalez Clemente Avenue in Mayaguez, Puerto Rico, as the "Rafael Martinez Nadal United States Customhouse Building",

Public Law 110–284, to designate the Federal building and United States courthouse located at 1716 Spielbusch Avenue in Toledo, Ohio, as the "James M. Ashley and Thomas W.L. Ashley United States Courthouse",

Public Law 110–311, to designate the Federal building and United States courthouse located at 300 Quarropas Street in White Plains, New York, as the "Charles L. Brieant, Jr. Federal Building and United States Courthouse",

Public Law 110–319, to designate the United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the "Theodore Roosevelt United States Courthouse",

Public Law 110–320, to designate the United States courthouse, located in the 700 block of East Broad Street, Richmond, Virginia, as the "Spottswood W. Robinson III and Robert R. Merhige, Jr. United States Courthouse",

Public Law 110–334, to designate the Federal Bureau of Investigation building under construction in Omaha, Nebraska, as the "J. James Exon Federal Bureau of Investigation Building",

H. Con. Res. 79, authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby,

H. Con. Res. 123, authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run,

H. Con. Res. 124, authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service,

H. Con. Res. 196, authorizing the use of the rotunda and grounds of the Capitol for a ceremony to award the Congressional Gold Medal to Tenzin Gyatso, the Fourteenth Dalai Lama,

H. Con. Res. 308, authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service,

H. Con. Res. 309, authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run,

H. Con. Res. 311, authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby,

H. Con. Res. 335, authorizing the use of the Capitol Grounds for a celebration of the 100th anniversary of Alpha Kappa Alpha Sorority, Incorporated,

H. Res. 400, expressing the sympathy of the House of Representatives to the citizens of Greensburg, Kansas, over the devastating tornado of May 4, 2007,

H. Res. 606, honoring the city of Minneapolis, first responders, and the citizens of the State of Minnesota for their valiant efforts in responding to the horrific collapse of the Interstate Route 35W Mississippi River Bridge,

H. Res. 657, expressing heartfelt sympathy for the victims of the devastating thunderstorms that caused severe flooding

during August 2007 in the States of Illinois, Iowa, Minnesota, Ohio, and Wisconsin, and for other purposes,

H. Res. 971, expressing the sympathies and support of the House of Representatives for the individuals and institutions affected by the powerful tornados that struck communities in Alabama, Arkansas, Kentucky, Mississippi, and Tennessee on February 5th, 2008,

H. Res. 1376, commemorating the 80th anniversary of the Okeechobee Hurricane of September 1928 and its associated tragic loss of life,

H. Res. 1420, expressing the sense of the House of Representatives regarding the terrorist attacks launched against the United States on September 11, 2001, and

General Services Administration Resolutions. The Committee adopted 85 General Services Administration resolutions, including resolutions authorizing repair, alteration, and construction of Federal buildings and leasing of Federal office space. The Committee adopted one section 11(b) study resolution.

Other bills that passed the House include:

H.R. 1227, the "Gulf Coast Hurricane Housing Recovery Act of 2007",

H.R. 3224, the "Dam Rehabilitation and Repair Act of 2007",

H.R. 6109, the "Pre-Disaster Mitigation Act of 2008",

H.R. 3247, the "Hurricanes Katrina and Rita Recovery Facilitation Act of 2007",

H.R. 6627, the "Smithsonian Institution Facilities Authorization Act of 2008",

H.R. 5492, to authorize the Board of Regents of the Smithsonian Institution to construct a greenhouse facility at its museum support facility in Suitland, Maryland, and for other purposes,

S. 2382, the "FEMA Accountability Act of 2008",

H.R. 6276, the "Public Housing Disaster Relief Act of 2008",

H.R. 1333, the "Civil Air Patrol Homeland Security Support Act of 2007",

H.R. 399, to designate the United States Courthouse to be constructed in Jackson, Mississippi, as the "R. Jess Brown United States Courthouse",

H.R. 429, to designate the United States Courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the "Hugh L. Carey United States Courthouse",

H.R. 478, to designate the Federal building and United States courthouse located at 101 Barr Street in Lexington, Kentucky, as the "Scott Reed Federal Building and United States Courthouse",

H.R. 735, to designate the Federal building under construction at 799 First Avenue in New York, New York, as the "Ronald H. Brown United States Mission to the United Nations Building",

H.R. 1138, to designate the Federal building and United States courthouse located at 306 East Main Street in Elizabeth City, North Carolina, as the "J. Herbert W. Small Federal Building and United States Courthouse",

H.R. 1505, to designate the Federal building located at 131 East 4th Street in Davenport, Iowa, as the "James A. Leach Federal Building", and

H.R. 5599, to designate the Federal building located at 4600 Silver Hill Road in Suitland, Maryland, as the "Thomas Jefferson Census Bureau Headquarters Building".

In addition, on July 31, 2008, the Committee on Transportation and Infrastructure ordered H.R. 6658, the "Disaster Response, Recovery, and Mitigation Enhancement Act of 2008", reported favorably to the House. No further action was taken on the legislation. On September 14, 2007, the Committee reported H. Res. 592, supporting first responders in the United States in their efforts to prepare for and respond to natural disasters, acts of terrorism, and other man-made disasters, and affirming the goals and ideals of National First Responder Appreciation Day.

Public Laws, Concurrent Resolutions, and House Resolutions

TO AMEND THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT TO AUTHORIZE FUNDING FOR EMERGENCY MANAGEMENT PERFORMANCE GRANTS, AND FOR OTHER PURPOSES

Public Law 110–53, Title II

(H.R. 2775)

October 3, 2007

Title II of Public Law 110–53 authorizes the Emergency Management Performance Grant ("EMPG") program under the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("Stafford Act"). The law also amends the Stafford Act to allow the Federal Government to finance up to 75 percent of the costs of equipping, upgrading, and constructing state or local Emergency Operations Centers ("EOCs").

HURRICANES KATRINA, RITA, AND WILMA FEDERAL MATCH RELIEF ACT OF 2007

Public Law 110–28

(H.R. 1144)

(incorporated as part of S. 2206)

May 8, 2008

This law waives the non-Federal share of the cost of certain disaster assistance related to Hurricanes Katrina, Rita, and Wilma and restores the authority of the Federal Emergency Management Agency ("FEMA") to cancel loans to local governments for recovery from Hurricanes Katrina, Rita, and Wilma under the Community Disaster Loan ("CDL") program.

KIDS IN DISASTERS WELL-BEING, SAFETY, AND HEALTH ACT OF 2007
PUBLIC LAW 110–161, DIVISION G, TITLE VI, SECTIONS 601–613

(H.R. 3495)

(incorporated into H.R. 2764)

December 26, 2007

The Kids in Disasters Well-being, Safety, and Health Act of 2007 establishes a National Commission on Children and Disasters. The purposes of the Commission are to: (1) conduct a comprehensive study to examine and assess the needs of children as they relate to preparation for, response to, and recovery from all hazards, including major disasters and emergencies; (2) build upon and review the recommendations of other government and nongovernmental entities that work on issues relating to the needs of children in disasters; and (3) report to the President and Congress on its specific findings, conclusions, and recommendations to address the needs of children as they relate to preparation for, response to, and recovery from all hazards, including disasters and emergencies.

More specifically, the Commission is tasked with investigating the needs of children facing disasters in the areas of children's health, child welfare, elementary and secondary education, affordable housing, transportation, and relevant activities in emergency mitigation, preparedness, response, and recovery.

The Commission is required to submit a final report to the President and Congress on its specific findings, conclusions, and recommendations.

APPALACHIAN REGIONAL DEVELOPMENT ACT AMENDMENTS OF 2008

Public Law 110–371

(S. 496/H.R. 799)

October 8, 2008

This law reauthorizes the Appalachian Regional Commission ("ARC") for five years, from fiscal year 2008 through fiscal year 2012. The Appalachian Regional Development Act of 1965 ("ARDA") established the ARC. The ARC is a regional economic development agency representing a precedent-setting partnership of Federal, State, and local government. The ARC includes all or part of 13 States: Alabama, Georgia, Kentucky, Maryland, Mississippi, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia. The ARC's primary objective is to support development of Appalachia's economy and critical infrastructure to provide a climate for growth in business and industry that will create jobs. The ARC administers a variety of programs to aid in the development and advancement of the region including the creation of a highway system, enhancements in education and job training, and the development of water and sewer systems. This law strengthens the ARDA by providing tools to better assist those counties most at-risk of becoming economically distressed and by increasing the authorization level for the ARC.

REGIONAL ECONOMIC AND INFRASTRUCTURE DEVELOPMENT ACT OF 2007

Public Law 110–234, Title VI, sections 6025 and 6026, and Title XIV, section 14217

(H.R. 3246)

(incorporated into H.R. 2419)

May 22, 2008

The Regional Economic and Infrastructure Development Act of 2007 provides a comprehensive regional approach to economic and infrastructure development in the most severely economically distressed regions in the nation. The law authorizes five regional economic development commissions under a common framework of administration and management, and provides a structure for economic development decision-making and planning. These commissions are designed to address problems of systemic poverty and underdevelopment in their respective regions. The five commissions are the Delta Regional Authority, the Northern Great Plains Regional Authority, the Southeast Crescent Regional Commission, the Southwest Border Regional Commission, and the Northern Border Regional Commission.

This law models the administrative and management procedures for these five commissions after the highly successful Appalachian Regional Commission. The law establishes commission membership, voting structure, and staffing; outlines conditions for financial assistance; authorizes grants to local development districts; establishes an Inspector General for the commissions; and other provisions designed to produce a standard administrative framework. By providing a uniform set of procedures, this law provides a consistent method for distributing economic development funds throughout the regions most in need of such assistance and ensures a comprehensive regional approach to economic and infrastructure development in the most severely distressed regions in the country.

JOHN F. KENNEDY CENTER REAUTHORIZATION ACT OF 2008

Public Law 110–338

(H.R. 3986)

October 3, 2008

This law amends the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts for five years. The law authorizes appropriations to carry out maintenance, repair, and security projects and capital projects for the Kennedy Center for fiscal years FY 2008 through FY 2012. In addition, the legislation authorizes the Board of Trustees to study, plan, design, engineer, and construct a photovoltaic system for the main roof of the Kennedy Center. The law authorizes such sums as may be necessary to construct the photovoltaic system.

OLD POST OFFICE BUILDING REDEVELOPMENT ACT OF 2008

Public Law 110–359

(H.R. 5001)

October 8, 2008

This law authorizes the Administrator of General Services to provide for the redevelopment of the Old Post Office Building located in the District of Columbia. In the past, the development expected at the Old Post Office Building was not successful due to constant turnover of retail businesses and low satisfaction by tenants. The policy of the Federal Government has long been to preserve and make usable historic properties rather than sell them for revenue. Preservation and use are particularly important for this property, where not only its historic status but, security concerns inherent in its location mean that the property must be controlled by the Federal Government. This law authorizes the Administrator of General Services to enter into a development agreement to redevelop the Old Post Office Building under terms and conditions that are beneficial to the Federal Government.

FEDERAL PROTECTIVE SERVICE GUARD CONTRACTING REFORM ACT OF 2008

Public Law 110–356

(H.R. 3068)

October 8, 2008

This law prohibits the Secretary of Homeland Security from awarding contracts to provide guard services under the contract security guard program of the Federal Protective Service ("FPS") to a business concern that is owned, controlled, or operated by an individual who has been convicted of a felony. This legislation was developed based on the findings of two oversight hearings conducted by the Committee on Transportation and Infrastructure. On April 18, 2007, the Committee held a hearing entitled "Proposals to Downsize the Federal Protective Service and Effects on the Protection of Federal Buildings". On June 21, 2007, the Committee held a hearing entitled "The Responsibility of the Department of Homeland Security and the Federal Protective Service to Ensure Contract Guards Protect Federal Employees and Their Workplaces".

The first hearing focused on Department of Homeland Security ("DHS") proposals to cut the presence of Federal Protective Service officers nationally. The hearing examined FPS' core capabilities since being moved into DHS, its ability to deal with the threats in cities in which the DHS proposal indicated the city would lose FPS officer presence, and its new proposed core mission. The hearing also highlighted DHS' increased reliance on contract security guards to protect and respond to threats to Federal buildings as the number of FPS officers is reduced.

The second hearing focused on the role that contract guard services play in assisting FPS officers in protecting Federal buildings. The hearing also highlighted a company, run by an individual convicted of fraud, which had not paid its security guards and, as a result, potentially created a security risk in Federal buildings.

TO AMEND PUBLIC LAW 108–331 TO PROVIDE FOR THE CONSTRUCTION AND RELATED ACTIVITIES IN SUPPORT OF THE VERY ENERGETIC RADIATION IMAGING TELESCOPE ARRAY SYSTEM (VERITAS) PROJECT IN ARIZONA

Public Law 110–341

(S.J. Res. 35)

October 3, 2008

This law amends Public Law 108–331 to provide for the construction and related activities in support of the Very Energetic Radiation Imaging Telescope Array System (VERITAS) project in Arizona.

TO AUTHORIZE THE ADMINISTRATOR OF GENERAL SERVICES TO TAKE CERTAIN ACTIONS WITH RESPECT TO PARCELS OF REAL PROPERTY LOCATED IN EASTLAKE, OHIO, AND KOOCHICHING COUNTY, MINNESOTA, AND FOR OTHER PURPOSES

Public Law 110–427

(H.R. 6524)

October 15, 2008

This law authorizes the Administrator of General Services to release restrictions contained in the deed that conveyed a parcel of real property to Eastlake, Ohio, in 1964. The 10.8-acre site is the site of the John F. Kennedy Senior Center. The city of Eastlake will pay the General Services Administration ("GSA") $30,000 as consideration for release of the property restrictions. In addition, this law authorizes the Administrator of General Services to convey a parcel of real property to Koochiching County, Minnesota. The 5.8-acre property is located in International Falls, Minnesota, and is the former site of the Koochiching Army Reserve Training Center. Koochiching County will pay GSA $30,000 as consideration for the real property. GSA will transfer these funds to the Secretary of the Army. The conveyance of the real property is made on the condition that the property will be used for a public purpose.

TO AUTHORIZE THE ADMINISTRATOR OF GENERAL SERVICES TO CONVEY A PARCEL OF REAL PROPERTY TO THE ALASKA RAILROAD CORPORATION

Public Law 110–244, Title IV, Section 401

(H.R. 1036)

June 6, 2008

Section 401 of Title IV of the SAFETEA–LU Technical Corrections Act of 2008 (P.L. 110–244) authorizes the Administrator of General Services to convey a parcel of real property to the Alaska Railroad Corporation, an entity of the State of Alaska. Subject to the requirements of this legislation, the Administrator shall convey, by quitclaim deed, to the Alaska Railroad Corporation, all right, title, and interest of the United States in and to the parcel of real property known as the GSA Fleet Management Center. The GSA Fleet Management Center is a 78,000-square-foot parcel of real property located at the intersection of 2nd Avenue and Christensen Avenue in Anchorage, Alaska. As consideration for the property, the Administrator shall require the Corporation to either convey a replacement facility to GSA or pay the fair market value of the property based on its highest and best use as determined by an independent appraisal commissioned by the Administrator and paid for by the Alaska Railroad Corporation. All proceeds derived from any payment for the property will be deposited in the Federal Buildings Fund.

TO PROVIDE FOR THE CONDITIONAL CONVEYANCE OF ANY INTEREST RETAINED BY THE UNITED STATES IN ST. JOSEPH MEMORIAL HALL IN ST. JOSEPH, MICHIGAN

Public Law 110–244, Title IV, Section 402

(H.R. 494)

June 6, 2008

Section 402 of Title IV of the SAFETEA–LU Technical Corrections Act of 2008 (P.L. 110–244) directs the Administrator of General Services to convey, by quitclaim deed, to the city of St. Joseph, Michigan, any interest retained by the United States in St. Joseph Memorial Hall. The law defines St. Joseph Memorial Hall. St. Joseph Memorial Hall is the property subject to conveyance from the Secretary of Commerce to the city of St. Joseph, Michigan, by quitclaim dated May 9, 1936, recorded in Liber 310, at page 404, in the Register of Deeds for Berrien County, Michigan. As consideration for the conveyance, the city of St. Joseph, Michigan, shall pay $10,000 to the United States. The Administrator may require additional terms and conditions for the conveyance to protect the interests of the United States.

TO AMEND THE INTERNATIONAL CENTER ACT TO AUTHORIZE THE LEASE OR SUBLEASE OF CERTAIN PROPERTY DESCRIBED IN SUCH ACT TO AN ENTITY OTHER THAN A FOREIGN GOVERNMENT OR INTERNATIONAL ORGANIZATION IF CERTAIN CONDITIONS ARE MET

Public Law 110–249

(H.R. 3913)

June 26, 2008

This law amends the International Center Act to authorize the lease or sublease of certain property described in such Act to an entity other than a foreign government or international organization if certain conditions are met. The Vienna Convention of 1962 on Diplomatic and Consular Relations requires that (1) the sending State locate its Chancery in the receiving State Capital City; (2) the receiving State assist the sending State in locating suitable and affordable space for its Chancery; and (3) the receiving State provide adequate protection for such facilities. To fulfill this obligation and provide land for new embassies and consulates, the U.S. State Department acquired land in the District of Columbia pursuant to the International Center Act ("ICA") (P.L. 90–553). This 47-acre parcel of land, known as the International Center, is located on Connecticut Avenue and Van Ness Street, N.W., in Washington, DC, and offers leased space for foreign government and international organizations.

TO PROVIDE FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF AN ARTERIAL ROAD IN ST. LOUIS COUNTY, MISSOURI

Public Law 110–16

(H.R. 1129)

March 28, 2007

This law provides for the construction, operation, and maintenance of an arterial road in St. Louis County, Missouri known as the "Lemay Connector Road".

UNITED STATES FIRE ADMINISTRATION REAUTHORIZATION ACT OF 2008

Public Law 110–376

(H.R. 4847)

October 8, 2008

This law authorizes appropriations for the United States Fire Administration ("USFA") for fiscal years 2009 through 2012, and authorizes USFA's activities related to training, public education, data collection, research, and national voluntary consensus standards. With regard to USFA's activities, the legislation updates the curriculum of the National Fire Academy, expands on-site training programs for fire service personnel, upgrades the National Fire In-

cident Reporting System, encourages more research related to wildland fires and the publication of such research, and promotes the adoption of national voluntary consensus standards for firefighter health and safety. It also establishes a fire service position at the U.S. Department of Homeland Security's National Operations Center and requires appropriate coordination at all levels of government with regard to fire prevention and control and emergency medical services.

U.S. CAPITOL POLICE AND LIBRARY OF CONGRESS POLICE MERGER IMPLEMENTATION ACT OF 2007

Public Law 110–178

(H.R. 3690)

January 7, 2008

This law establishes a framework and initiates the process of merging the U.S. Capitol Police and the Library of Congress Police, as provided by section 1015 of Legislative Branch Appropriations Act, 2003 (P.L. 108–7). In 2003, Congress enacted legislation to merge the police agencies to create "seamless security" on Capitol Hill. The law implements the U.S. Capitol Police and Library of Congress Police merger plan.

TO PROVIDE THAT THE GREAT HALL OF THE CAPITOL VISITOR CENTER SHALL BE KNOWN AS EMANCIPATION HALL

Public Law 110–139

(H.R. 3315)

December 18, 2007

This law designates the great hall of the Capitol Visitor Center as "Emancipation Hall". In 2004, Congress directed the Architect of the Capitol to study and report on the history and contributions of slave laborers in the construction of the U.S. Capitol. The 2005 report entitled "History of Slave Laborers in the Construction of the United States Capitol", examined the efforts of slaves to help build the Capitol, other Federal buildings, and the White House, which at the time was known as the President's House. Although the record was incomplete because of limited documentation of slave labor, the evidence available and historical context in the report provided several indications that slaves and free African Americans played a significant role in building the physical symbols of the United States. In 2005, the Slave Laborers Task Force was established to study and recognize the contributions of enslaved African Americans in building the U.S. Capitol. On November 7, 2007, the Slave Laborers Task Force, chaired by Representative John Lewis, specifically recommended that the great hall of the Capitol Visitor Center be designated as "Emancipation Hall".

TO DESIGNATE THE UNITED STATES COURTHOUSE LOCATED AT 555 INDEPENDENCE STREET, CAPE GIRARDEAU, MISSOURI, AS THE "RUSH HUDSON LIMBAUGH, SR. UNITED STATES COURTHOUSE"

Public Law 110–13

(H.R. 342)

March 21, 2007

This law designates the United States Courthouse located at 555 Independence Street, Cape Girardeau, Missouri as the "Rush Hudson Limbaugh, Sr. United States Courthouse".

Rush Hudson Limbaugh, Sr. was born in Bollinger County, Missouri on September 27, 1891. He was a leading figure in the legal profession for his accomplishments not just in Missouri and the United States, but around the world. At the time of his death, at the age of 104, he was still practicing law after nearly eight decades. He was the nation's oldest practicing attorney. He argued over 60 cases before the Missouri Supreme Court. He tried cases before the Interstate Commerce Commission, the U.S. Labor Board and the Internal Revenue Appellate Division.

He was also active in other areas of civic life. He was elected to the Missouri State Legislature from 1931 to 1932, where he pressed for the formation of the Missouri State Highway Patrol and the consolidation of school districts. He served as President of the State Historical Society of Missouri from 1956 to 1959. He was also a Sunday school teacher, and a member of many local civic organizations including the Boy Scouts of America, Centenary United Methodist Church, and the Salvation Army.

TO DESIGNATE THE UNITED STATES COURTHOUSE AT SOUTH FEDERAL PLACE IN SANTA FE, NEW MEXICO, AS THE "SANTIAGO E. CAMPOS UNITED STATES COURTHOUSE"

Public Law 110–14

(H.R. 544)

March 21, 2007

This law designates the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the "Santiago E. Campos United States Courthouse".

Santiago E. Campos (1926–2002) was born December 25, 1926, in Santa Rosa, New Mexico. He served in the United States Navy as a Seaman 1st Class from 1944 to 1946. After leaving the Navy, Judge Campos attended the Central College in Fayette, Missouri, and received his law degree from the University of New Mexico in 1953, graduating first in his class. From 1954 until 1957, he worked as an Assistant Attorney General and subsequently as First Assistant Attorney General for the State of New Mexico. In 1971, after 14 years in private practice, Judge Campos was elected District Judge for the 1st Judicial District of New Mexico, and served in that capacity until 1978. In 1978, President Carter appointed Judge Campos to the federal bench. Judge Campos was the

first Hispanic to serve as a Federal Judge in the District Court of New Mexico, as well as being the first Hispanic to serve as its Chief Judge. He held the title of Chief U.S. District Judge from February 5, 1987, to December 31, 1989, and became a Senior Judge on December 26, 1992. Judge Campos died on January 20, 2002, after suffering a long bout with cancer.

During his career, Judge Campos was named an honorary member of the Order of the Coif. He also received the Distinguished Achievement Award of the State Bar of New Mexico in 1993, and, in the same year, the University of New Mexico honored him with a Distinguished Achievement Award.

TO DESIGNATE THE FEDERAL BUILDING LOCATED AT 400 MARYLAND AVENUE, SOUTHWEST, IN THE DISTRICT OF COLUMBIA AS THE "LYNDON BAINES JOHNSON DEPARTMENT OF EDUCATION BUILDING"

Public Law 110–15

(H.R. 584)

March 23, 2007

This law designates the Federal Building located at 400 Maryland Avenue, S.W., in Washington, DC, as the "Lyndon Baines Johnson Department of Education Building".

Lyndon Baines Johnson was one of the leading figures of the 20th Century. This "Teacher who became President" served his country in numerous, distinguished ways, including as Lt. Commander in the U.S. Navy during World War II, as a Member of both houses of Congress, as Vice President of the United States, and as the 36th President of the United States.

In a special election in 1937, Johnson won the U.S House of Representatives seat representing the 10th Congressional District of Texas, defeating nine other candidates. He was re-elected to a full term in the 76th Congress and to each succeeding Congress until 1948.

After the bombing of Pearl Harbor on December 7, 1941, Johnson became the first Member of Congress to volunteer for active duty in the armed forces (U.S. Navy), reporting for active duty on December 9, 1941. Johnson received the Silver Star from General Douglas MacArthur for gallantry in action during an aerial combat mission over hostile positions in New Guinea on June 9, 1942. President Roosevelt ordered all Members of Congress in the armed forces to return to their offices, and Johnson was released from active duty on July 16, 1942.

In 1948, after a campaign in which he traveled by "newfangled" helicopter all over the state, Johnson won the primary by 87 votes and earned the nickname "Landslide Lyndon", and in the general election was elected to the U.S. Senate. He was elected Minority Leader of the Senate in 1953 and Majority Leader in 1955. He served in the U.S. Senate until he resigned to become Vice President in January 1961.

Lyndon Johnson became the 36th President of the United States on November 22, 1963, after the assassination of President John F. Kennedy.

In 1964, Johnson signed the Library Services Act (P.L. 88–269) to make high quality public libraries more accessible to both urban and rural residents. The funds made available under this Act were used to construct as well as operate libraries, and to extend this program to cities as well as rural areas. Later that year, President Johnson signed the Civil Rights Act (P.L. 88–352), which among its landmark provisions authorized federal authorities to sue for the desegregation of schools and to withhold federal funds from education institutions that practiced segregation.

During his administration, education was one of the many areas where President Johnson blazed new ground. He pursued numerous education initiatives, and signed many landmark education bills into law. He also launched the highly successful Head Start program in 1965. After leaving office, Lyndon Johnson continued his involvement in education and taught students while he wrote his memoirs and pursued other academic endeavors.

TO REDESIGNATE THE FEDERAL BUILDING LOCATED AT 167 NORTH MAIN STREET IN MEMPHIS, TENNESSEE, AS THE "CLIFFORD DAVIS AND ODELL HORTON FEDERAL BUILDING"

Public Law 110–20

(H.R. 753)

May 2, 2007

This law redesignates the Federal building located at 167 North Main Street in Memphis, Tennessee, as the "Clifford Davis and Odell Horton Federal Building".

Odell Horton was appointed to the United States District Court for the Western District of Tennessee by President Jimmy Carter on May 12, 1980. He was the first African-American U.S. District Court Judge appointed in Tennessee since Reconstruction.

Born on May 13, 1929, in Boliver, Tennessee, Horton grew up during the Depression and World War II in an environment he described as "typically rural Southern and typically segregated, with all the attendant consequences of that." Horton enlisted in the Marine Corps and served two tours. He received his law degree from Howard University in 1956 and moved to Memphis, Tennessee, where he started a private law practice.

In 1962, Horton became Assistant United States Attorney in Memphis. He remained in that position until his appointment to the Shelby County Criminal Court by Governor Buford Ellington. In 1968, Judge Horton ordered the desegregation of Bowld Hospital. A year later, he received the L.M. Graves Memorial Health Award for his efforts to advance the cause of health care in Memphis. Judge Horton stepped down from his federal judgeship to serve as President of LeMoyne-Owen College, a predominately African-American liberal arts college.

After serving four years as President of LeMoyne-Owen College, Judge Horton ran unsuccessfully for the Office of Shelby County

District Attorney General. He returned to federal service upon his appointment as reporter for the Speedy Trial Act Implementation Committee by the Western District Court of Tennessee. He later served as a U.S. Bankruptcy Judge from 1976 to 1980. Judge Horton also served as Chief Judge for the Western District of Tennessee from January 1, 1987, until December 31, 1993. On May 16, 1995, he took senior status and retired two years later.

Judge Horton was a member of the American Bar Association and Chair of the National Conference of Federal Trial Judges. He also served as a member of the Judicial Conference Committee on Defender Services. Morehouse College honored him with an Honorary Degree of Doctor of Laws. In 2000, the Memphis Bar Association awarded Judge Horton with a Public Service Award.

TO DESIGNATE THE FEDERAL BUILDING AND UNITED STATES COURTHOUSE AND CUSTOMHOUSE LOCATED AT 515 WEST FIRST STREET IN DULUTH, MINNESOTA, AS THE "GERALD W. HEANEY FEDERAL BUILDING AND UNITED STATES COURTHOUSE AND CUSTOMHOUSE"

Public Law 110–25

(S. 521/H.R. 187)

May 8, 2007

This law designates the Federal building and United States courthouse and customhouse located at 515 West First Street in Duluth, Minnesota, as the "Gerald W. Heaney Federal Building and United States Courthouse and Customhouse".

Gerry Heaney is a decorated World War II veteran. He was a member of the distinguished Army Ranger Battalion and participated in the historic D-Day landing at Normandy. He was awarded the Silver Star for extraordinary bravery in the battle of La Pointe du Hoc in Normandy, France. He also received a Bronze Star and five battle stars.

At the end of the war, Judge Heaney returned home and entered private practice in Duluth. During that time he was instrumental in improving the state education system, and served on the Board of Regents of the University of Minnesota. He was instrumental in helping the Duluth school system develop a payroll system that equalized the pay for both men and women.

Judge Heaney was appointed Judge of the United States Court of Appeals for the 8th Circuit on November 3, 1966, by President Lyndon B. Johnson. After 40 years of distinguished judicial service, Judge Heaney retired on August 31, 2006.

TO DESIGNATE A UNITED STATES COURTHOUSE LOCATED IN FRESNO, CALIFORNIA, AS THE "ROBERT E. COYLE UNITED STATES COURTHOUSE"

Public Law 110–46

(S. 801)

July 5, 2007

This law designates a United States courthouse located in Fresno, California, as the "Robert E. Coyle United States Courthouse".

From 1956 until 1958, Judge Coyle was Deputy District Attorney for Fresno County. From 1958 until 1982, he was a lawyer in a private practice. He was appointed to the Federal bench in 1982, and served as the Chief Judge for the Eastern District of California from 1990 to 1996. In 2006, he retired as a Senior Judge.

Judge Coyle is a dedicated jurist and active in many professional organizations, including the Fresno County Legal Services, President of the Fresno Bar Association, Vice President of the California State Bar Association, and a faculty member at the Hastings College of Law. Judge Coyle has a particular connection to the Subcommittee on Economic Development, Public Buildings, and Emergency Management through his work with the courts on development of the Design Guide for construction of U.S. courthouses.

TO DESIGNATE THE UNITED STATES COURTHOUSE LOCATED AT 301 NORTH MIAMI AVENUE, MIAMI, FLORIDA, AS THE "C. CLYDE ATKINS UNITED STATES COURTHOUSE"

Public Law 110–146

(H.R. 2671)

December 21, 2007

This law designates the United States courthouse located at 301 North Miami Avenue, Miami, Florida, as the "C. Clyde Atkins United States Courthouse".

Judge C. Clyde Atkins was born on November 23, 1914, in Washington, DC. In 1921, he moved to Miami, Florida, with his family. Judge Atkins attended Miami High School, and graduated from the University of Florida College of Law in 1936. He practiced law in private practice for more than 25 years, and was a partner in the law firm of Walton, Lantaff, Shroeder, Atkins, Carson and Wahl from 1941 to 1966. In 1966, President Lyndon B. Johnson nominated and the Senate confirmed Judge Atkins to serve as a U.S. District Court Judge for the Southern District of Florida. He served as Chief Judge from 1977 to 1982 and assumed senior status on December 31, 1982. Judge Atkins continued to serve until his death in 1999.

In addition to his time as a jurist, Judge Atkins also held several positions in the legal community and community at large. He served as President of the Dade County Bar Association and the Florida Bar Association. He was also a trustee at Biscayne College (now St. Thomas University) and Mercy Hospital. Judge Atkins

was also very active in the Catholic Church, and he was named a knight of St. Gregory by Pope Paul VI.

Judge Atkins had a strong reputation as a principled and fair jurist. He was respected because of his application of the law without respect to race, creed, religion, or national origin.

TO DESIGNATE THE FEDERAL BUILDING LOCATED AT 210 WALNUT STREET IN DES MOINES, IOWA, AS THE "NEAL SMITH FEDERAL BUILDING"

Public Law 110–158

(H.R. 1045)

December 26, 2007

This law designates the Federal building located at 210 Walnut Street in Des Moines, Iowa, as the "Neal Smith Federal Building".

Neal Smith was born on March 23, 1920, in his grandparents' home near Hedrick, Keokuk County, Iowa. He served in the United States House of Representatives from 1959 until 1995, the longest serving Member of the House of Representatives from Iowa. Congressman Smith is a World War II veteran, having served in the United States Army Air Force as a bomber pilot. His plane was shot down during combat and he received a Purple Heart, nine Battle Stars, and the Air Medal with four oak leaf clusters.

Neal Smith is one of Iowa's most respected and distinguished elected officials. His interests, while in Congress, were varied but he especially focused on agriculture, small business, and the environment. He became a champion for those issue areas and authored legislation establishing the Commodity Futures Trading Commission, the Federal Meat, Poultry and Egg Inspection Acts, and Small Business Development Centers.

TO DESIGNATE THE FEDERAL BUILDING AND UNITED STATES COURTHOUSE LOCATED AT 100 EAST 8TH AVENUE IN PINE BLUFF, ARKANSAS, AS THE "GEORGE HOWARD, JR. FEDERAL BUILDING AND UNITED STATES COURTHOUSE"

Public Law 110–159

(H.R. 2011)

December 26, 2007

This law designates the Federal building and United States courthouse located at 100 East 8th Avenue in Pine Bluff, Arkansas, as the "George Howard, Jr. Federal Building and United States Courthouse".

Judge George Howard, Jr. was born in Pine Bluff, Arkansas, on May 13, 1924. He began his service to our nation at the age of 18 when he was drafted into military service during World War II. Judge Howard served with distinction in the United States Navy with the Construction Battalion—or the "Seabees"—in the South Pacific.

He earned his law degree in 1954 from the University of Arkansas School of Law. He was the first African American student to live on campus in the newly desegregated campus dormitories. After graduating from law school, Judge Howard began a long, illustrious, and trailblazing legal career in his home state of Arkansas. In the 1950s, Judge Howard started a private law practice. He subsequently served on the Arkansas State Claims Commission, the Arkansas Court of Appeals, and the Arkansas Supreme Court. In 1980, President Carter appointed Judge Howard to the U.S. District Court, Eastern and Western Districts of Arkansas. Judge Howard was Arkansas' first African American Federal judge.

During Judge Howard's career, he received several awards and distinctions from the legal community. Through his pursuit of legal and racial equality, and his exemplary career in public service, Judge Howard helped to pave the way for other African-Americans to pursue careers in law and public service.

TO DESIGNATE THE UNITED STATES BANKRUPTCY COURTHOUSE LOCATED AT 271 CADMAN PLAZA EAST IN BROOKLYN, NEW YORK, AS THE "CONRAD B. DUBERSTEIN UNITED STATES BANKRUPTCY COURTHOUSE"

Public Law 110–262

(H.R. 430)

July 15, 2007

This law designates the United States bankruptcy courthouse located at 271 Cadman Plaza East in Brooklyn, New York, as the "Conrad B. Duberstein United States Bankruptcy Courthouse".

Conrad B. Duberstein was born in the Bronx on October 22, 1915. He earned his undergraduate degree from Brooklyn College in 1938 and his law degree from St. John's University Law School in 1942. From 1943 to 1945, Duberstein served in the United States Army, where he was awarded the Purple Heart, the Bronze Star, and the Combat Infantry Badge.

Judge Duberstein practiced law in Brooklyn at Schwartz, Rudin & Duberstein. In 1971, he joined the firm of Otterbourg, Steindler, Houston & Rosen as a partner, where he remained until his retirement in 1981. That same year, Judge Duberstein joined the Eastern District Bankruptcy Court and was appointed Chief Judge in 1984, a position he held until his death. Judge Duberstein was awarded an honorary doctorate of laws from St. John's University Law School in 1991 and served as a former Judge Advocate General of the Military Order of the Purple Heart for the State of New York.

In 1992, the Brooklyn Bar Association presented him with its Annual Award for Outstanding Achievement in the Science of Jurisprudence and Public Service. Judge Duberstein died at his home on November 18, 2005, at the age of 90.

TO DESIGNATE THE STATION OF THE UNITED STATES BORDER PATROL LOCATED AT 25762 MADISON AVENUE IN MURRIETA, CALIFORNIA, AS THE "THEODORE L. NEWTON, JR. AND GEORGE F. AZRAK BORDER PATROL STATION"

Public Law 110–264

(H.R. 2728)

July 15, 2008

This law designates the station of the United States Border Patrol located at 25762 Madison Avenue in Murrieta, California, as the "Theodore L. Newton, Jr. and George F. Azrak Border Patrol Station".

On June, 17, 1967, Patrol Inspectors Theodore L. Newton, Jr. and George F. Azrak were killed in the line of duty while working an all-night shift at a remote border patrol checkpoint near Oak Grove, California. On that night, the two officers were conducting a traffic check operation when they stopped a van carrying over 800 pounds of marijuana. While checking the vehicle, the officers were ambushed and abducted by four drug smugglers and taken to a mountain cabin where they were shot and killed.

Inspector Theodore Newton, Jr. began his service with the Department of Immigration and Naturalization Services ("INS") in 1966, as a Patrol Inspector. He served in that capacity for over one year before his death in 1967. He is survived by his wife, son, and daughter.

Inspector George F. Azrak joined the INS in May of 1967 and was about to begin training in the Academy for Border Patrol agents when he was killed in the line of duty. He is survived by his wife and two children.

The United States Border Patrol has created the Newton-Azrak Medal of Heroism in honor of Inspectors Newton and Azrak's brave service and sacrifice. The medal is given annually to a Border Patrol Officer who exercises unusual courage or bravery in the line of duty and/or performs a heroic or humane act during times of extreme stress or in an emergency. The Newton-Azrak Medal is the Border Patrol's highest award for bravery.

TO DESIGNATE THE PORT ANGELES FEDERAL BUILDING IN PORT ANGELES, WASHINGTON, AS THE "RICHARD B. ANDERSON FEDERAL BUILDING"

Public Law 110–266

(H.R. 4140)

July 15, 2008

This law designates the Port Angeles Federal Building in Port Angeles, Washington, as the "Richard B. Anderson Federal Building".

Private First Class ("PFC") Richard B. Anderson was born on June 26, 1921, in Tacoma, Washington. Anderson joined the United States Marine Corps in 1942. He was promoted to the rank of Pri-

vate First Class on April 12, 1943 and assigned to the Easy Company, 2nd Battalion, of the 23rd Marines. PFC Anderson's unit was deployed to the Marshall Islands in January 1944. On February 1, 1944, his company was part of an invasion force fighting to take control of Rio Island from the Japanese. During the assault, Anderson and three other Marines jumped into a shell crater to escape enemy fire. As Anderson prepared to throw a grenade from inside the crater, the grenade slipped from his hands and began to roll toward the other three Marines in the crater. In an act of selfless heroism, Anderson lunged on top of the live grenade and absorbed the full impact of the blast, saving the lives of his fellow soldiers. Anderson was evacuated to the U.S.S. *Callaway* but died from his wounds shortly thereafter.

PFC Anderson was posthumously awarded the Purple Heart and the Medal of Honor, which is the nation's highest military decoration, for his acts of bravery and service to his country. On October 26, 1945, in honor of PFC Anderson, the United States Navy commissioned a DD–786 destroyer battleship as the "U.S.S. Richard B. Anderson". The ship began active service in January 1947, and was used in combat for the Vietnam and Korean Wars. The ship remained in active service until December 20, 1975.

TO DESIGNATE THE UNITED STATES CUSTOMHOUSE BUILDING LOCATED AT 31 GONZALEZ CLEMENTE AVENUE IN MAYAGUEZ, PUERTO RICO, AS THE "RAFAEL MARTINEZ NADAL UNITED STATES CUSTOMHOUSE BUILDING"

Public Law 110–276

(H.R. 1019)

July 15, 2008

This law designates the United States customhouse building located at 31 Gonzalez Clemente Avenue in Mayaguez, Puerto Rico, as the "Rafael Martinez Nadal United States Customhouse Building".

Although Don Rafael Martinez Nadal was born in the city of Mayaguez on April 22, 1877, he received his college degree in Philosophy and Letters in the Provincial Institute of Secondary Education in San Juan. At the age of 16, he went to Barcelona, Spain, to study law. A short time after beginning his legal coursework, he moved to Paris in search of additional coursework.

On August 13, 1904, he returned to Mayaguez and began studying agriculture, particularly coffee growing. Simultaneously, he began his first successful attempts in the media and politics with the Puerto Rican Republican Party. In 1908, he founded the political newspaper El Combate. He obtained his law degree in 1912 and became one of the most prominent men of the Puerto Rican political arena. He was considered one of the most famous criminal lawyers of the time.

In 1914, he was elected as a member of the Chamber of Delegates for the city of Ponce by the Puerto Rican Republican Party. In 1920 he was chosen by the same party to serve in the Senate and was reelected in the next five general elections. When the alli-

ance of the Union of Puerto Rico Party and the Puerto Rican Republican Party formed in 1924, Martinez Nadal left the Republican Party and initiated a political movement called the Pure Republican Party, which registered officially as the Historical Constitutional Party. Later he founded the Republican Union, working to advance the ideal of statehood for Puerto Rico. In coalition with the Socialist Party, the Republican Union triumphed in the general elections of 1932 and 1936. In both terms, Martinez Nadal presided over the Senate. He died on July 6, 1941.

His literary and journalistic papers are compiled in the book Tempraneras. He also published the novels La hoguera and Cuando el amor muere.

TO DESIGNATE THE UNITED STATES COURTHOUSE LOCATED AT 1716 SPIELBUSCH AVENUE IN TOLEDO, OHIO, AS THE "JAMES M. ASHLEY AND THOMAS W.L. ASHLEY UNITED STATES COURTHOUSE"

Public Law 110–284

(H.R. 3712)

July 23, 2008

This law designates the United States courthouse located at 1716 Spielbusch Avenue in Toledo, Ohio, as the "James M. Ashley and Thomas W.L. Ashley United States Courthouse".

James Monroe Ashley (1824–1896) was born in Pittsburgh, Pennsylvania, and moved to Portsmouth, Ohio, with his family at the age of four. He helped organize the Ohio Republican party. He had a distinguished career in public service which included five terms as a Representative from Ohio and later as Governor of Montana. Representative Ashley was the first Member of Congress to call for an amendment to the United States Constitution that would outlaw slavery.

After serving in Congress, Governor Ashley became the governor of the Montana Territory and served until 1870. He then moved into the private sector, where he was instrumental in building the Toledo, Ann Arbor, & North Michigan Railroad.

Thomas William Ludlow Ashley is the great grandson of former Governor James M. Ashley. Born in 1923, Representative Thomas Ashley served in the United States Army during the Second World War. He went on to graduate from Yale University in 1948 and from Ohio State University Law School in 1951. He served 13 terms in Congress. During his time in Congress, Representative Ashley served as Chairman of the Select Committee on Energy, Chairman of the Committee on Merchant Marine and Fisheries, and Assistant Majority Whip. In 1977, Speaker Thomas P. "Tip" O'Neill established a Select Committee on Energy and appointed Representative Ashley to chair the Committee.

TO DESIGNATE THE FEDERAL BUILDING AND UNITED STATES COURTHOUSE LOCATED AT 300 QUARROPAS STREET IN WHITE PLAINS, NEW YORK, AS THE "CHARLES L. BRIEANT, JR., FEDERAL BUILDING AND UNITED STATES COURTHOUSE"

Public Law 110–311

(H.R. 6340)

August 12, 2008

This law designates the Federal building and United States courthouse located at 300 Quarropas Street in White Plains, New York, as the "Charles L. Brieant, Jr., Federal Building and United States Courthouse".

Judge Charles Brieant, Jr. was born in 1923 in Ossining, New York. He graduated from Columbia University and Columbia Law School.

He began his public service practicing in White Plains, New York, while serving as Water Commissioner for the town of Ossining, New York. Judge Brieant was elected Ossining Town Justice in 1952 before serving as Village Attorney for Briarcliff Manor, New York. From 1960 through 1963, he served as Town Supervisor for Ossining. He also served in the New York legislature in 1970 and 1971. In 1971, President Richard M. Nixon nominated Judge Brieant to serve on the District Court for the Southern District of New York. He served as Chief Judge for the Southern District of New York from 1986 to 1993. Last year, Judge Brieant took senior status.

During his distinguished career, Judge Brieant received many awards and honors including the Servant of Justice Award from the Guild of St. Ives in 1998 and the Edward Weinfeld Award for Distinguished Contributions to the Administration of Justice in 2006.

TO DESIGNATE THE UNITED STATES COURTHOUSE LOCATED AT 225 CADMAN PLAZA EAST, BROOKLYN, NEW YORK, AS THE "THEODORE ROOSEVELT UNITED STATES COURTHOUSE"

Public Law 110–319

(S. 2837)

September 17, 2008

This law designates the United States Courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the "Theodore Roosevelt United States Courthouse".

Theodore Roosevelt was born in New York, New York, on October 27, 1858. In 1880, he graduated magna cum laude from Harvard College. After graduating from Harvard, he briefly studied at Columbia Law School before being elected to the New York State Assembly in 1882, at the age of 23. He served in the Assembly for two years, before President Benjamin Harrison appointed him as a member of the United States Civil Service Commission. In 1895, he resigned from the Commission and became President of the New

York Board of Police Commissioners. In 1897, President William McKinley appointed him Assistant Secretary of the Navy, where he served for a little more than a year. At the beginning of the Spanish-American War, he left his post as Assistant Secretary to raise a volunteer cavalry regiment for the United States Army. During the Spanish American War, Roosevelt served as Colonel of his regiment, known as "Roosevelt's Rough Riders".

In 1898, Roosevelt was elected as the Governor of New York but left office after two years to run for Vice President of the United States, on a ticket headed by William McKinley. President McKinley won the election of 1900 but was assassinated on September 6, 1901. On September 14, 1901, at the age of 42, Roosevelt took the oath of office and became the 26th President of the United States. At that time, he was the youngest person to ever hold the Presidency.

President Roosevelt was elected to a second term in 1904. During his two terms in office, President Roosevelt's list of achievements include facilitating and ensuring the construction of the Panama Canal, establishing the Department of Commerce and the Department of Labor, signing the Elkins Anti-rebate Act for railroads, and greatly advancing environmental conservation efforts by providing Federal protection for close to 230 million acres of land. He was also awarded the Nobel Peace Prize in 1906, for his work in ending the Russo-Japanese War.

In 1919, at the age of 60, Roosevelt passed away in Oyster Bay, New York.

TO DESIGNATE THE UNITED STATES COURTHOUSE LOCATED IN THE 700 BLOCK OF EAST BROAD STREET, RICHMOND, VIRGINIA, AS THE "SPOTTSWOOD W. ROBINSON III AND ROBERT R. MERHIGE, JR., UNITED STATES COURTHOUSE"

Public Law 110–320

(S. 2403)

September 18, 2008

This law designates the United States Courthouse located at the 700 block of East Broad Street, Richmond, Virginia, as the "Spottswood W. Robinson III and Robert R. Merhige, Jr., United States Courthouse".

Spottswood William Robinson III was born in Richmond. Robinson attended public schools in Richmond, which were segregated at the time, and graduated from Armstrong High School in 1932. Following high school, he studied at Virginia Union University from 1932 until 1934 and from 1935 until 1936. Judge Robinson entered Howard University School of Law in Washington, D.C., before completing his bachelor's degree, and graduated magna cum laude in 1939.

After his graduation, Judge Robinson became a professor at the Howard University School of Law, where he taught for eight years. He emerged as a prominent civil rights attorney. In 1951, Judge Robinson was appointed southeast regional counsel for the National Association for the Advancement of Colored People

("NAACP"). Shortly after joining the NAACP, Robinson represented an African-American student in Virginia's Prince Edward County. The lawsuit was eventually combined with the Brown v. Board of Education case, which the U.S. Supreme Court agreed to hear in 1954.

In 1961, President John F. Kennedy appointed Judge Robinson to the U.S. Commission on Civil Rights, a six-member bipartisan commission charged with studying civil rights violations in the United States. Judge Robinson was confirmed by the Senate by a vote of 73 to 17. In 1964, President Lyndon B. Johnson appointed Judge Robinson to the U.S. District Court for the District of Columbia and two years later, he became the first African American to serve on the U.S. Court of Appeals for the D.C. Circuit. Judge Robinson served as Chief Judge of the U.S. Court of Appeals from 1981 to 1986, and served on the Court until his retirement in 1992.

On October 11, 1998, Judge Robinson passed away in Richmond, Virginia.

Robert R. Merhige, Jr. was born in Brooklyn, New York, on February 5, 1919. Judge Merhige received his law degree from University of Richmond's T.C. Williams School of Law in 1942. Upon graduation, he enlisted in the United States Army Air Corps, where he served as a crewman aboard a B–17 bomber based in Italy.

He would become one of the most formidable lawyers in Virginia. In 1967, President Lyndon B. Johnson appointed Judge Merhige to the District Court. Two weeks into his service on the court, Judge Merhige drew the first of many high-profile cases that became the hallmark of his career. He ordered the release of black activist H. Rap Brown, who was imprisoned in Virginia after making an impassioned and militant speech in Maryland.

Judge Merhige was involved in many high-profile cases during his 31-year tenure on the Federal bench. He wrote the decision for a three-judge panel that threw out the appeals of Watergate figures G. Gordon Liddy, Bernard Barker, and Eugenio Martinez. In 1970, he ordered the University of Virginia to admit women. He clarified the rights of pregnant women to keep their jobs. In 1979, he presided over the trials of Ku Klux Klan and American Nazi Party members accused of injuring and killing members of the Communist Workers Party. He also ordered the integration of dozens of Virginia schools.

On February 18, 2005, Judge Merhige passed away.

TO DESIGNATE THE FEDERAL BUREAU OF INVESTIGATION BUILDING UNDER CONSTRUCTION IN OMAHA, NEBRASKA, AS THE "J. JAMES EXON FEDERAL BUREAU OF INVESTIGATION BUILDING"

Public Law 110–334

(S. 3009)

October 1, 2008

This law designates the Federal Bureau of Investigation Building under construction in Omaha, Nebraska, as the "J. James Exon Federal Bureau of Investigation Building".

J. James Exon was born on August 9, 1921, in Geddes, South Dakota. After graduating from the University of Omaha, he joined the United States Army Signal Corps, serving two years overseas in New Guinea, the Philippines, and Japan. He was honorably discharged as a Master Sergeant in December of 1945, and served in the Army Reserve until 1949. In 1954, Exon founded Exon's Incorporated, which became one of Nebraska's best-known office equipment companies.

J. James Exon's political career began as a member of the Nebraska Democratic State Central Committee. He was also a member of the Democratic National Committee and went on to Chair the Nebraska Democratic Party from 1968 to 1970. He then served two terms as Governor of Nebraska prior to being elected to the U.S. Senate in 1978. He served three terms in the United States Senate before retiring in 1996. Following his retirement from the Senate, Senator Exon served on the Deutch Commission, which was created by Congress to study the threat of weapons of mass destruction.

Outside of public life, Senator Exon was an active member of the Holy Trinity Episcopal Church in Lincoln, Nebraska. On June 10, 2005, Senator Exon passed away. He is survived by his wife, three children, and eight grandchildren.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR THE GREATER WASHINGTON SOAP BOX DERBY

(H. Con. Res. 79)

May 15, 2007

H. Con. Res. 79 authorizes the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR THE DISTRICT OF COLUMBIA SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN

(H. Con. Res. 123)

May 15, 2007

H. Con. Res. 123 authorizes the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR THE NATIONAL PEACE OFFICERS' MEMORIAL SERVICE

(H. Con. Res. 124)

May 7, 2007

H. Con. Res. 124 authorizes the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

AUTHORIZING THE USE OF THE ROTUNDA AND GROUNDS OF THE CAPITOL FOR A CEREMONY TO AWARD THE CONGRESSIONAL GOLD MEDAL TO TENZIN GYATSO, THE FOURTEENTH DALAI LAMA

(H. Con. Res. 196)

September 4, 2007

H. Con. Res. 196 authorizes the use of the rotunda and grounds of the Capitol for a ceremony to award the Congressional Gold Medal to Tenzin Gyatso, the Fourteenth Dalai Lama.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR THE NATIONAL PEACE OFFICERS' MEMORIAL SERVICE

(H. Con. Res. 308)

May 1, 2008

H. Con. Res. 308 authorizes the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR THE DISTRICT OF COLUMBIA SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN

(H. Con. Res. 309)

May 21, 2008

H. Con. Res. 309 authorizes the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR THE GREATER WASHINGTON SOAP BOX DERBY

(H. Con. Res. 311)

June 4, 2008

H. Con. Res. 311 authorizes the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR A CELEBRATION OF THE 100TH ANNIVERSARY OF ALPHA KAPPA ALPHA SORORITY, INCORPORATED

(H. Con. Res. 335)

June 4, 2008

H. Con. Res. 335 authorizes the use of the Capitol Grounds for a celebration of the 100th anniversary of Alpha Kappa Alpha Sorority, Incorporated.

EXPRESSING THE SYMPATHY OF THE HOUSE OF REPRESENTATIVES TO THE CITIZENS OF GREENSBURG, KANSAS, OVER THE DEVASTATING TORNADO OF MAY 4, 2007

(H. Res. 400)

May 22, 2007

H. Res. 400 expresses the sympathy of the House of Representatives to the citizens of Greensburg, Kansas, regarding the devastating tornado of May 4, 2007.

HONORING THE CITY OF MINNEAPOLIS, FIRST RESPONDERS, AND THE CITIZENS OF THE STATE OF MINNESOTA FOR THEIR VALIANT EFFORTS IN RESPONDING TO THE HORRIFIC COLLAPSE OF THE INTERSTATE ROUTE 35W MISSISSIPPI RIVER BRIDGE

(H. Res. 606)

September 5, 2007

H. Res. 606 honors the city of Minneapolis, first responders, and the citizens of the State of Minnesota for their valiant efforts in responding to the horrific collapse of the Interstate Route 35W Mississippi River Bridge.

EXPRESSING HEARTFELT SYMPATHY FOR THE VICTIMS OF THE DEVASTATING THUNDERSTORMS THAT CAUSED SEVERE FLOODING DURING AUGUST 2007 IN THE STATES OF ILLINOIS, IOWA, MINNESOTA, OHIO, AND WISCONSIN, AND FOR OTHER PURPOSES

(H. Res. 657)

October 2, 2007

H. Res. 657 expresses heartfelt sympathy for the victims of the devastating thunderstorms that caused severe flooding during August 2007 in the States of Illinois, Iowa, Minnesota, Ohio, and Wisconsin, and for other purposes.

EXPRESSING THE SYMPATHIES AND SUPPORT OF THE HOUSE OF REPRESENTATIVES FOR THE INDIVIDUALS AND INSTITUTIONS AFFECTED BY THE POWERFUL TORNADOS THAT STRUCK COMMUNITIES IN ALABAMA, ARKANSAS, KENTUCKY, MISSISSIPPI, AND TENNESSEE ON FEBRUARY 5, 2008

(H. Res. 971)

February 13, 2008

H. Res. 971 expresses the sympathies and support of the House of Representatives for the individuals and institutions affected by the powerful tornados that struck communities in Alabama, Arkansas, Kentucky, Mississippi, and Tennessee on February 5th, 2008.

COMMEMORATING THE 80TH ANNIVERSARY OF THE OKEECHOBEE HURRICANE OF SEPTEMBER 1928 AND ITS ASSOCIATED TRAGIC LOSS OF LIFE

(H. Res. 1376)

September 24, 2008

H. Res. 1376 commemorates the 80th anniversary of the Okeechobee Hurricane of 1928, recognizes the tragic loss of life which resulted from the hurricane, and urges the Federal Government and state and local governments to take appropriate actions to encourage hurricane and disaster preparedness, education, response, and mitigation.

EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES REGARDING THE TERRORIST ATTACKS LAUNCHED AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

(H. Res. 1420)

September 11, 2008

H. Res. 1420 expresses the sense of the House of Representatives regarding the terrorist attacks launched against the United States on September 11, 2001. This resolution recognizes September 11 as a day of solemn commemoration. This resolution extends its deepest condolences again to the friends, families, and loved ones of the innocent victims of the September 11, 2001 terrorist attacks. H. Res. 1420 honors the heroic service, actions, and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers, and others who aided the innocent victims and, in so doing, bravely risked and often sacrificed their own lives. It also expresses gratitude to the foreign leaders and citizens of all nations who have assisted and continue to stand in solidarity with the United States against terrorism in the aftermath of the attacks. The resolution asserts in the strongest possible terms that the war on terrorists and terrorism is not a war on any nation, any people, or any faith. It recognizes the heroic service, actions, and sacrifices of United States personnel, including members of the United States Armed Forces, the United States intelligence agencies, the United States diplomatic service, and their families, who have sacrificed much, including their lives and health, in defense of their country against terrorists and their supporters. H. Res. 1420 vows that the United States will continue to take whatever actions are appropriate to identify, intercept, and defeat terrorists, including providing the United States Armed Forces, the United States intelligence agencies, and the United States diplomatic service with the resources and support to effectively and safely accomplish this mission. Finally, this resolution reaffirms that the American people will never forget the sacrifices made on and since September 11, 2001, and will defeat those who attacked our nation through our shared determination, spirit, and embrace of democratic values.

GENERAL SERVICES ADMINISTRATION RESOLUTIONS

The Committee adopted 85 General Services Administration resolutions, including resolutions authorizing repair, alteration, and construction of Federal buildings and leasing of Federal office space. The Committee adopted one section 11(b) study resolution.

Other Legislation

GULF COAST HURRICANE HOUSING RECOVERY ACT OF 2007

(H.R. 1227)

Passed the House on March 21, 2007

This bill includes a number of provisions designed to speed up the repair and rebuilding of homes and affordable rental housing in areas affected by Hurricanes Katrina, Rita, and Wilma, to ensure continued rental assistance for both families that have moved back to their home areas and for families displaced by such hurricanes, and to provide reimbursements to communities and landlords that were generous in providing assistance to hurricane evacuees in the aftermath of the storms.

DAM REHABILITATION AND REPAIR ACT OF 2007

(H.R. 3224)

Passed the House on September 29, 2007

This bill makes changes to the National Dam Safety Program to establish a program that provides grant assistance to States for the rehabilitation and repair of deficient dams. This bill authorizes the Director of FEMA to provide grants for the rehabilitation and repair of publicly owned dams. Any State that seeks assistance under this program would make an application for funds to the FEMA Director. The FEMA Director, in consultation with the National Dam Safety Review Board, would establish a risk-based priority system for use in identifying deficient dams for which grants may be awarded under this program. States are required to provide at least 35 percent of the funds necessary to rehabilitate such dams.

PRE-DISASTER MITIGATION ACT OF 2008

(H.R. 6109)

Passed the House on June 23, 2008

This bill reauthorizes the Pre-Disaster Mitigation ("PDM") program for three years, at a level of $250 million for each of fiscal years 2009 through 2011. The bill increases the minimum amount that each State can receive under the program from $500,000 to $575,000, and codifies the competitive selection process of the program as currently administered by the Federal Emergency Management Agency.

HURRICANES KATRINA AND RITA RECOVERY FACILITATION ACT OF 2007

(H.R. 3247)

Passed the House on September 29, 2007

This bill provides relief for problems associated with recovery efforts specific to Hurricanes Katrina and Rita. The bill authorizes changes to Stafford Act programs exclusively for the recovery from Hurricanes Katrina and Rita, and applies these changes retroactively. Specifically, the bill increases the Federal share from 75 percent to 90 percent for "alternate projects" for Hurricanes Katrina and Rita, to allow money designated for a specific facility to be used toward another facility for the same purposes; permits a public assistance pilot program authorized in Public Law 109–295 to apply retroactively to Hurricanes Katrina and Rita; allows for third parties to review and speed up public assistance appeals through the use of alternative dispute resolution procedures; allows use of temporary housing for volunteers; increases the 'small project' limit from $55,000 to $100,000; authorizes re-interment of remains in private cemeteries; and provides additional flexibility for the projects that count toward the non-Federal share for Stafford Act hazard mitigation programs.

SMITHSONIAN INSTITUTION FACILITIES AUTHORIZATION ACT OF 2008

(H.R. 6627)

Passed the House on September 17, 2008

This bill authorizes the Board of Regents of the Smithsonian Institution to design and construct laboratory space to accommodate the Mathias Laboratory at the Smithsonian Environmental Research Center in Edgewater, Maryland, and authorizes the Board of Regents to construct laboratory space to accommodate the terrestrial research program of the Smithsonian Tropical Research Institute in Gamboa, Panama.

TO AUTHORIZE THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION TO CONSTRUCT A GREENHOUSE FACILITY AT ITS MUSEUM SUPPORT FACILITY IN SUITLAND, MARYLAND, AND FOR OTHER PURPOSES

(H.R. 5492)

Passed the House on March 11, 2008

This bill authorizes the Board of Regents of the Smithsonian Institution to construct a greenhouse facility at its museum support facility in Suitland, Maryland. The bill authorizes $12 million to construct the facility.

FEMA ACCOUNTABILITY ACT OF 2008

(S. 2382)

Passed the House on September 29, 2008

S. 2382, the "FEMA Accountability Act of 2008", requires FEMA to develop a plan for the storage, disposal, transfer, or sale of excess temporary housing units in the disaster housing program to reduce the expense of storing excessive numbers of temporary housing units. On September 29, 2008, the House passed S. 2382, as amended. The Senate took no further action on the legislation.

PUBLIC HOUSING DISASTER RELIEF ACT OF 2008

(H.R. 6276)

Passed the House on June 18, 2008

This bill repeals section 9(k) of the United States Housing Act of 1937.

CIVIL AIR PATROL HOMELAND SECURITY SUPPORT ACT OF 2007

(H.R. 1333)

Passed the House on June 18, 2008

This bill directs the Comptroller General to conduct a study of the functions and capabilities of the Civil Air Patrol to support the homeland security missions of state, local, and tribal governments and the Department of Homeland Security.

TO DESIGNATE THE UNITED STATES COURTHOUSE TO BE CONSTRUCTED IN JACKSON, MISSISSIPPI, AS THE "R. JESS BROWN UNITED STATES COURTHOUSE"

(H.R. 399)

Passed the House on March 6, 2007

H.R. 399 designates the United States Courthouse to be constructed in Jackson, Mississippi, as the "R. Jess Brown United States Courthouse".

R. Jess Brown was born in Coffeeville, Kansas, on September 2, 1912. He received a Bachelor of Education degree from Illinois State University, known then as Illinois State Normal University, in 1935, and a Master of Education degree from the University of Indiana in 1943. He attended Texas Southern Law School.

As Associate Counsel for the National Association for the Advancement of Colored People (NAACP) Legal Defense and Educational Fund, Brown filed the first civil rights suit in Mississippi in the 1950s in Jefferson Davis County seeking the enforcement of the right of black citizens to become registered voters. While with the NAACP Legal Defense Fund, he played a major role in fighting discrimination in the areas of transportation and other public accommodations working along side Thurgood Marshall, who would later become Associate Justice of the United States Supreme Court.

Brown also served as counsel for the American Civil Liberties Union, where he was successful in obtaining reversals of convictions of black defendants due to discrimination in jury selection. He also represented numerous black defendants in cases where the State sought the death penalty. As a result of these appeals, none of these defendants were ever executed.

TO DESIGNATE THE UNITED STATES COURTHOUSE LOCATED AT 225 CADMAN PLAZA EAST, BROOKLYN, NEW YORK, AS THE "HUGH L. CAREY UNITED STATES COURTHOUSE"

(H.R. 429)

Passed the House on March 13, 2007

H.R. 429 designates the United States Courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the "Hugh L. Carey United States Courthouse".

Hugh L. Carey was born in Brooklyn, Kings County, New York, on April 11, 1919. He graduated from St. John's College in 1949 and St. John's Law School in 1951. During the Second World War, he entered the United States Army as an enlisted man in the One Hundred First Cavalry, New York National Guard, serving in Europe as a Major of infantry in the One Hundred Fourth Division. He was later decorated with the Bronze Star, Croix de Guerre, and Combat Infantry Award.

After leaving the armed services, Carey went on to serve as the State chairman of the Young Democrats of New York. Carey was then elected to seven terms in Congress. In November 1974, Carey was elected the 51st Governor of New York and served two terms. As Governor he was the catalyst for the significant financial plan that averted the bankruptcy of New York City and began a sweeping program of fiscal reform and economic development to restore New York State's vitality. He served until January 1, 1983.

In 1993, Governor Carey was appointed by President Clinton to the American Battle Monuments Commission to represent the United States at various ceremonies commemorating the 50th Anniversary of the end of World War II. After his extensive career in public service, Carey resumed the practice of law in New York City, where he currently resides.

TO DESIGNATE THE FEDERAL BUILDING AND UNITED STATES COURTHOUSE LOCATED AT 101 BARR STREET IN LEXINGTON, KENTUCKY, AS THE "SCOTT REED FEDERAL BUILDING AND UNITED STATES COURTHOUSE"

(H.R. 478)

Passed the House on March 13, 2007

H.R. 478 designates the Federal building and United States courthouse located at 101 Barr Street in Lexington, Kentucky, as the "Scott Reed Federal Building and United States Courthouse".

Scott Reed was born in Lexington, Kentucky, on July 3, 1921, and died February 17, 1994. While in the practice of law, he was a County Attorney, retained as counsel for the Fayette County

School Board, and also distinguished himself as a trial lawyer of great integrity.

From 1964 until 1969, he was Judge of the First Division of the Fayette Circuit Court when he was elected to the Kentucky Court of Appeals, then the highest court in the state, and was chosen by the Court of Appeals as Chief Justice. He became the first Chief Justice of the Commonwealth of Kentucky, a rank equal to that of the Governor. His opinions from the Supreme Court of Kentucky have received national acclaim for their scholarly content.

On November 2, 1979, President Jimmy Carter appointed him as a United States District Judge for the Eastern District of Kentucky. He became a Senior Judge August 1, 1988. Judge Reed was a member of the American, Kentucky State, and Fayette County Bar Associations. He received numerous honors including: the Algernon Sydney Sullivan Medallion from the University of Kentucky; Order of the Coif; Doctor of Laws-degree from Northern Kentucky University (1977); Kentucky Bar Association Award for outstanding service (1977); and the Henry T. Duncan Award for leadership, integrity and professional conduct from the Fayette County Bar Association (1977).

TO DESIGNATE THE FEDERAL BUILDING UNDER CONSTRUCTION AT 799 FIRST AVENUE IN NEW YORK, NEW YORK, AS THE "RONALD H. BROWN UNITED STATES MISSION TO THE UNITED NATIONS BUILDING"

(H.R. 735)

Passed the House on July 30, 2007

H.R. 735 designates the Federal building under construction at 799 First Avenue in New York, New York, as the "Ronald H. Brown United States Mission to the United Nations Building".

Ronald Harmon Brown was born on August 1, 1941. In 1962, Brown graduated from Middlebury College in Vermont. After college, he served in the Army from 1962 to 1967, commanding several units in the United States, Germany, and South Korea. Brown was discharged from the Army in 1967. He then attended St. John's Law School and began working as a job developer and trainee adviser for the National Urban League. By 1976, Brown served as the National Urban League's Deputy Executive Director for programs and governmental affairs.

He left the National Urban League in 1979 to work for Senator Edward M. Kennedy, who sought the Democratic Party's presidential nomination. In 1981, Brown began a career as a lawyer and lobbyist. He was elected Chairman of the Democratic National Committee in 1988, becoming the first African-American to Chair a national political party. He served until 1992 where he used his skills as a negotiator and pragmatic bridge builder to help reunite the Democratic Party after its defeat in the 1988 presidential election.

In 1993, President William J. Clinton appointed Ronald H. Brown as Secretary of Commerce. He was the first African-American to serve as Secretary of Commerce. During his tenure, Secretary Brown effectively utilized and expanded the role of the U.S.

Department of Commerce. Tragically, on April 3, 1996, while on an official Department of Commerce trade mission, Secretary Brown and 34 others were killed in an airplane crash in Croatia.

TO DESIGNATE THE FEDERAL BUILDING AND UNITED STATES COURTHOUSE LOCATED AT 306 EAST MAIN STREET IN ELIZABETH CITY, NORTH CAROLINA, AS THE "J. HERBERT W. SMALL FEDERAL BUILDING AND UNITED STATES COURTHOUSE"

(H.R. 1138)

Passed the House on March 26, 2007

This bill designates the Federal building and United States courthouse located at 306 East Main Street in Elizabeth City, North Carolina, as the "J. Herbert W. Small Federal Building and United States Courthouse".

J. Herbert W. Small is a life-long resident of Elizabeth City, North Carolina. He is a graduate of the University of Virginia Engineering School, and the University of North Carolina Law School at Chapel Hill. He began the practice of law in 1949. During his professional career he was a member of the First Judicial District Bar Association, the American Bar Association, and the North Carolina Bar Association.

He began his public career as Special Counsel to the Congressional Committee on Intergovernmental Relations. Judge Small later served as county attorney for Pasquotank County. In 1979, Judge Small was elected Judge of Superior Court of the First Judicial District and served as senior resident judge for seventeen years. Judge Small is an active volunteer, serving on the Board of Directors of the Albemarle Hospital, and the American Red Cross. He has received numerous awards and honors from the Jaycees, the Boy Scouts, Volunteer Fireman, Chamber of Commerce, and the Rotary and Elks clubs. Further, Judge Small served his country during World War II in the U.S. Navy.

TO DESIGNATE THE FEDERAL BUILDING LOCATED AT 131 EAST 4TH STREET IN DAVENPORT, IOWA, AS THE "JAMES A. LEACH FEDERAL BUILDING"

(H.R. 1505)

Passed the House on May 15, 2007

This bill designates the Federal building located at 131 East 4th Street in Davenport, Iowa, as the "James A. Leach Federal Building."

James Albert Smith Leach was born in Davenport, Iowa, on October 15, 1942. Leach attended the public schools of Davenport, Iowa, and received his Bachelor of Arts degree from Princeton University in 1964. Leach later received a Master of Arts degree in Soviet Politics from the School of Advanced International Studies of Johns Hopkins University in 1966, and subsequently attended the London School of Economics.

In 1968, Leach joined the U.S. Department of State as a Foreign Service Officer and subsequently served as special assistant to the

director at the Office of Economic Opportunity. In the 1970s, Leach served in various capacities with the United Nations, the United States Advisory Commission on International Education and Cultural Affairs, and the Federal Home Loan Bank Board.

In 1976, Leach was elected to Congress. Congressman Leach represented the 2nd District of Iowa in the United States House of Representatives for 30 years (1977–2007). A career public servant, Congressman Leach chaired the Committee on Banking and Financial Services, the Subcommittee on Asian and Pacific Affairs, and the Congressional-Executive Commission on China. He holds eight honorary degrees, has received decorations from two foreign governments, and is the recipient of the Wayne Morse Integrity in Politics Award, the Woodrow Wilson Award from Johns Hopkins University, the Adlai Stevenson Award from the United Nations Association, and the Edger Wayburn Award from the Sierra Club.

In February 2007, former Rep. Leach joined the faculty of Princeton's Woodrow Wilson School of Public and International Affairs as a visiting professor.

TO DESIGNATE THE FEDERAL BUILDING LOCATED AT 4600 SILVER HILL ROAD IN SUITLAND, MARYLAND, AS THE "THOMAS JEFFERSON CENSUS BUREAU HEADQUARTERS BUILDING"

(H.R. 5599)

Passed the House on June 4, 2008

This bill designates the Federal building located at 4600 Silver Hill Road in Suitland, Maryland, as the "Thomas Jefferson Census Bureau Headquarters Building".

In 1790, Secretary of State Thomas Jefferson supervised the very first U.S. census. He was responsible for overseeing the collection of data and certifying the local census results that were collected by judicial-district marshals on horseback. Although Thomas Jefferson is perhaps best remembered as the third president of the United States and as the author of the Declaration of Independence, Jefferson is also considered by some to be the first director of the U.S. Census. Although the practice of performing a census has been in practice for thousands of years, the U.S. census is considered to be the first modern periodic census. Several European countries adopted similar census requirements in the early 19th century.

Today the U.S. Census Bureau employs thousands of federal workers and is currently preparing for the next census in 2010. In the 2000 census, the Government Accountability Office estimated that the U.S. Census Bureau would need 860,000 workers at its peak field operations to meet its goals of completing a census of the United States population. As the census has grown more complex in its almost 220-year history, the need for a permanent headquarters has consistently been a challenge. At various times, the U.S. Census Bureau has been headquartered in New York, New York, Washington, DC, and Suitland, Maryland.

Since 1941, the U.S. Census has been headquartered in Suitland, Maryland. In 2007, the General Services Administration completed

construction of a state-of-the-art U.S. Census Bureau headquarters building.

DISASTER RESPONSE, RECOVERY, AND MITIGATION ENHANCEMENT ACT OF 2008

(H.R. 6658)

Ordered Reported Favorably to the House on July 31, 2008

H.R. 6658, the "Disaster Response, Recovery, and Mitigation Enhancement Act of 2008", amends the Stafford Act to improve the assistance the Federal Government provides to States, local governments, and communities before, during, and after major disasters and emergencies. On July 31, 2008, the bill was ordered reported favorably to the House. No further action was taken on the bill.

SUPPORTING FIRST RESPONDERS IN THE UNITED STATES IN THEIR EFFORTS TO PREPARE FOR AND RESPOND TO NATURAL DISASTERS, ACTS OF TERRORISM, AND OTHER MAN-MADE DISASTERS, AND AFFIRMING THE GOALS AND IDEALS OF NATIONAL FIRST RESPONDER APPRECIATION DAY

(H. Res. 592)

Reported Favorably to the House on August 2, 2007

H. Res. 592 supports first responders in the United States in their efforts to prepare for and respond to natural disasters, acts of terrorism, and other manmade disasters, and to affirm the goals and ideals of National First Responder Appreciation Day. On August 2, 2007, the Committee reported the resolution favorably to the House. No further action was taken on the resolution.

Hearings

During the 110th Congress, the Subcommittee on Economic Development, Public Buildings and Emergency Management, held 33 hearings.

THE STATE OF ECONOMIC DEVELOPMENT

On January 23, 2007, the Subcommittee held a hearing to look at the history of Federal economic development programs, the role of the Federal Government in economic development, and recommendations for 21st Century investment. The Public Works and Economic Development Act of 1965 created partnerships between the Federal Government and state and local development entities to alleviate conditions of substantial and persistent unemployment in economically distressed areas and regions. One of the goals of the Federal role in national economic development activities is to enhance community success in attracting private capital investment and job opportunities.

GSA Case Study: Efficient Location Policy

On February 27, 2007, the Subcommittee held a field hearing in Washington, D.C. on the General Services Administration's role in procuring office space for Federal agencies, the role of the Federal Government in revitalizing urban areas, and suggestions for achieving efficiencies in future procurement for Federal office space. To satisfy various Federal Government needs, GSA leases space in a wide range of sizes, locations, and terms. GSA leases space that ranges in size from leasing a single room to an entire building. Initial alterations to prepare space for occupancy differ according to the needs of the tenant agency. In recognition of the needs of America's urban cities, President Carter issued Executive Order 12072 mandating that GSA use Federal facilities in urban areas to strengthen the nation's cities and to make them attractive places to live and work. Executive Order 12072 encouraged GSA, in its acquisition of Federal space, to conserve existing urban resources and encourage the development and redevelopment of cities. Furthermore, Executive Order 12072 required that GSA give serious consideration to the impact that a site selection would have on social, economic, environmental, and cultural conditions of the communities in the urban area. The Subcommittee examined site selections in Washington, DC, focusing on the area north of Massachusetts Avenue. As a result of the hearing, all GSA resolutions include a provision that requires the delineated area in solicitation to match the area described in the resolution unless GSA provides a written explanation for any deviation.

Post-Katrina Temporary Housing: Dilemmas and Solutions

On March 20, 2007, the Subcommittee held a hearing to examine the process by which the Federal Emergency Management Agency disposes of surplus property, and the treatment of Hurricane Katrina evacuees housed in mobile homes. Concerns remain over FEMA's housing policies in response to Hurricane Katrina, many of which were highlighted in the media. On March 5, 2007, the Associated Press reported that FEMA suddenly "closed down a trailer site housing Hurricane Katrina victims because of health and safety reasons." The abruptness of the FEMA announcement to the residents of the Yorkshire Mobile Home Park in Hammond, Louisiana, as well as "uncertain and sometimes contradictory" answers to questions have raised concerns. FEMA maintains that living on the site presented health and safety risks due to frequent power outages and ongoing sewage problems. This hearing focused more broadly on FEMA housing policy and legislative recommendations.

FEMA's Emergency Food Supply System

On April 20, 2007, the Subcommittee held a hearing on the Federal Emergency Management Agency's system of food distribution in response to an emergency. On April 14, 2007, the Washington Post reported that 13.4 million prepared meals, held in reserve by FEMA for the purpose of distribution during emergency or natural disaster, went unused or spoiled during the 2006 hurricane season. The vast majority of these meals, or 13 million meals valued at $70 million, were donated to a hunger relief agency that provides food

to homeless shelters and food banks. An additional 400,000 meals, valued at $2.2 million, spoiled because of storage in trailers without proper temperature controls. Consistent with the requirements of section 636 of the Post-Katrina Emergency Management Reform Act of 2006 (Title VI of P.L. 109–295) (6 U.S.C. 724), the Administrator of FEMA is required to "develop an efficient, transparent, and flexible logistics system for procurement and delivery of goods and services necessary for an effective and timely response to natural disasters, acts of terrorism, and other manmade disasters and for real time visibility of items at each point throughout the logistics system." In light of FEMA's recent actions, the Subcommittee examined the effectiveness and efficiency of FEMA's food storage and delivery system, and its planning for the provision of food in the event of a disaster during this hearing.

FEMA's Preparedness and Response to All Hazards

On April 26, 2007, the Subcommittee held a hearing to examine whether the Federal Emergency Management Agency and the Department of Homeland Security focused on all hazards in preparedness for and response to the risks that confront our nation. Hurricane Katrina made landfall on August 29, 2005 and proved to be the costliest and one of the most deadly natural disasters in American history. Hurricane Katrina exposed two consequences of the placement of FEMA in the DHS: the failure to follow an all-hazards approach and the breakdown of an integration of all phases of emergency management. The Post-Katrina Emergency Management Reform Act of 2006 reintegrated preparedness back with the other phases of emergency management at FEMA and re-established FEMA's day-to-day links with the state and local governments the agency works with in a disaster. This hearing examined how this remedy is working and whether the steps taken by the Act are sufficient.

The Southeast Crescent Authority, the Northern Border Economic Development Commission, and Southwest Regional Border Authority

On May 3, 2007, the Subcommittee held a hearing on the potential economic development role of these commissions in the Commission areas, the role of the Federal Government in economic development, and successful models of economic development with federal support. The economic development activities of the Subcommittee include jurisdiction over the Economic Development Administration ("EDA") of the U.S. Department of Commerce, the Appalachian Regional Commission ("ARC"), the Denali Commission, the Delta Regional Authority ("DRA"), and the Northern Great Plains Regional Authority. Many other regions also experience high poverty, areas of significantly higher-than-average unemployment rates, limited access to capital, low per capita personal income, and high job loss. These regions have expressed interest in creating regional economic development authorities, similar to the structure of the ARC, to provide funding for projects that stimulate economic development and promote the character and industries of the region while not supplanting existing institutions and programs that

provide funding, such as the Economic Development Administration, state agencies, and local development organizations. The Subcommittee examined different regions of the country to determine the need for possible new economic development commissions. This hearing formed the basis for Committee consideration of H.R. 3246, the "Regional Economic and Infrastructure Development Act of 2007", which became Public Law 110–234, Title VI, sections 6025 and 6026, and Title XIV, section 14217.

NATIONAL LEVEE SAFETY AND DAM SAFETY PROGRAMS

On May 8, 2007, the Subcommittee held a joint hearing with the Subcommittee on Water Resources to receive testimony on the benefits of the National Levee Safety and Dam Safety programs, the need for reauthorization, and proposed reforms. The National Dam Safety Program has helped to mitigate the risk of dam failure by providing technical and financial assistance to state dam safety officials. There are approximately 80,000 dams in the United States; of these, approximately 10,000 dams are considered to have high-hazard potential, meaning their failure could result in loss of life or severe property damage. Private individuals, corporations, and state and local governments own more than 95 percent of the dams in America, making state dam safety officials our first line of defense in preventing dam failures and mitigating the effects through the development of Emergency Action Plans. A primary function of the National Dam Safety Program is to increase the level of knowledge and preparedness to prevent and mitigate the effects of dam failures.

GENERAL SERVICE ADMINISTRATION'S FISCAL YEAR 2008 CAPITAL INVESTMENT AND LEASING PROGRAM (CILP)

On May 10, 2007, the Subcommittee held a hearing to focus on all aspects of the Capital Investment and Leasing Program ("CILP") including repair, alteration, and construction of Federal buildings and leasing of Federal office space. The Capital Investment and Leasing Program plays a key role in providing the necessary resources to maintain current real property assets and acquire new or replacement assets. The Subcommittee has jurisdiction over all of GSA's real property activities pursuant to the Property Act of 1949, the Public Buildings Act of 1959, and the Cooperative Use Act of 1976. These three Acts are now codified in Title 40 of the United States Code. The President's budget request for FY 2008 included $615 million for new construction, including $318 million for consolidation of the Department of Homeland Security.

LEGISLATIVE FIXES FOR LINGERING PROBLEMS THAT HINDER KATRINA RECOVERY

On May 10, 2007, the Subcommittee held a hearing to hear from Members of Congress representing Gulf Coast districts, which were still recovering 20 months after Hurricane Katrina. The Stafford Act authorizes disaster assistance that the Federal Emergency Management Agency provides after a major disaster. While the authority of the Stafford Act is very broad and flexible, it does not anticipate every circumstance that can arise in a disaster such as

Hurricane Katrina. Historically, when catastrophic or unusual disasters strike, FEMA and Congress work cooperatively to identify areas where FEMA needs specific authority or direction. However, circumstances were different in dealing with Hurricane Katrina. When Katrina struck, FEMA was not a flexible or independent government agency. Rather, FEMA was an organization within the Department of Homeland Security, a larger bureaucracy, and without direct access to the President and Congress. This lack of autonomy was magnified by the unprecedented scope and magnitude of Hurricane Katrina. Members of Congress testified on issues that were still affecting and hindering recovery in their districts, even though more than 20 months had elapsed since Katrina.

ASSURING THE NATIONAL GUARD IS AS READY AT HOME AS IT IS ABROAD

On May 18, 2007, the Subcommittee held a hearing to hear testimony from the Federal Emergency Management Agency, the North Carolina Division of Emergency Management, and the Missouri National Guard. The Subcommittee received testimony on whether the National Guard was fully ready for disaster in their home States in light of the deployments of National Guard troops abroad. In many cases, National Guard troops leave equipment overseas when they return home so other units deploying overseas can use that equipment. According to news accounts, a number of Governors have expressed concerns as to whether the National Guard can be ready for disasters in their home states in light of the deployment of troops overseas and depletions of equipment.

WHAT VISITORS CAN EXPECT AT THE CAPITOL VISITORS CENTER: TRANSPORTATION, ACCESS, SECURITY, AND VISUALS

On June 9, 2007, the Subcommittee held a hearing on the operational and management plans for the new Capitol Visitor Center ("CVC"). As originally conceived, the United States Capitol was never intended to be able to accommodate the number of visitors that visit the U.S. Capitol annually. Today, more than three million people visit the Capitol on an annual basis. In addition, since the birth of our nation, the number of Representatives in Congress has increased as the nation has grown. This increase, along with the resulting increase in staff, has created a need for additional space in the Capitol. In 1991, Congress provided funds for the conceptual design and planning of a Capitol Visitors Center. In 1993, the Capitol Preservation Commission allocated funds to carry the conceptual study into an actual design document. The new CVC was expected to be completed in the fall of 2005. There will be 170,000 square feet of office space for the House and Senate, a main Exhibition Hall, a Visitor Center Auditorium, a gift shop, and other amenities. In total, the CVC will be 580,000 square feet of space. The Subcommittee examined transportation plans, building security, and general access. Specifically, the Subcommittee examined how the Architect of the Capitol plans to staff the new visitor center, how it will provide security to both the Capitol and its visitors, and the details of the operational plan for the CVC when it opens in 2008.

PUBLIC AND PRIVATE RESPONSIBILITY FOR MAINTAINING OUR NATIONAL TREASURES: THE SMITHSONIAN AND THE JOHN F. KENNEDY CENTER

On June 15, 2007, the Subcommittee held a hearing to examine the process by which two renowned Federal institutions, the Smithsonian Institution and the John F. Kennedy Center for the Performing Arts ("Kennedy Center"), plan for capital asset acquisition and maintenance utilizing public and private funds. In particular, the Subcommittee examined the role of these institutions' Boards and fundraising.

The Kennedy Center receives Federal funding for operations and maintenance and construction through the Department of the Interior, Environment, and Related Agencies Appropriations Act. For FY 2007, the Administration's budget requested $39.1 million for the Kennedy Center to provide the necessary funding to renovate the Eisenhower Theater, the last major renovation in the Comprehensive Building Plan. There are 59 members on the Kennedy Center Board of Trustees serving six-year terms.

Approximately two-thirds of the Smithsonian's total funding comes through Federal appropriations and is funded through the Department of the Interior, Environment, and Related Agencies Appropriations Act. For FY 2007, the Institution's total appropriation was $634 million. Of this, $536 million was for salaries and expenses, which includes facilities maintenance, and $99 million was for major capital revitalization projects. In 1846, when the Smithsonian was created by legislation, Congress established a Board of Regents to administer the Institution. It is a 17-member Board with three members appointed by the Majority Leader of the Senate, and three members appointed by the Speaker of the House. In addition there are citizen members nominated by the Board and approved by Congress.

THE RESPONSIBILITY OF THE DEPARTMENT OF HOMELAND SECURITY AND THE FEDERAL PROTECTIVE SERVICE TO ENSURE CONTRACT GUARDS PROTECT FEDERAL EMPLOYEES AND THEIR WORKPLACES

On June 21, 2007, the Subcommittee held a hearing to identify weaknesses in the Federal Protective Service's oversight of its contract guard program. While FPS has made improvements in the timelines of contractor invoice processing and payments in the past year, it has not established protocols or processes to ensure that contractors are initially "capable, responsible, and ethical," as required by Federal Acquisition Regulations, and that they remain so throughout the life of the contract. This hearing formed the basis for Committee consideration of H.R. 3068, the "Federal Protective Service Guard Contracting Reform Act of 2008", which became P.L. 110–356. The law prohibits the Secretary of Homeland Security from awarding contracts to provide guard service under the contract security program of the Federal Protective Service to a business concern that is owned, controlled or operated by a convicted felon.

FEDERAL LEADERSHIP BY EXAMPLE ON ENERGY CONSERVATION—NO COST QUICK AND EASY STEPS FOR IMMEDIATE RESULTS

On July 19, 2007, the Subcommittee held a hearing to review the practices and procedures used by the General Services Administration and the Department of Defense ("DOD") to encourage and incentivize their tenants and building managers to identify and engage in common sense, practical energy conservation activities. GSA and DOD both handle extensive real estate portfolios. GSA owns approximately 1,500 buildings which includes about 175 million square feet of space of general purpose office space and warehouse facilities. Further, the agency controls through leases approximately 7,100 buildings which includes 176 million square feet of space. The functional replacement value of the GSA portfolio is about $41.7 billion. The DOD has a similarly impressive portfolio in all 50 States and 40 foreign countries. DOD occupies about 345,000 buildings throughout the world, valued at about $423 billion. The portfolio is about 2.4 billion square feet. Its facilities include hospitals, family housing, troop housing and mess facilities, community facilities, maintenance and production facilities, and operation and training facilities. The estimated replacement value of the DOD portfolio is approximately $653 billion. In fiscal year 2006, DOD paid $3.2 billion in utility bills.

READINESS IN THE POST-KATRINA AND POST–9/11 WORLD: AN EVALUATION OF THE NEW NATIONAL RESPONSE FRAMEWORK

On September 11, 2007, the Subcommittee held a hearing to receive testimony on the contents of the new National Response Framework released that day by the Department of Homeland Security and the process for its development. Witnesses testified about what this framework indicates, six years after 9/11 and two years after Hurricane Katrina, about our nation's preparedness for and ability to effectively respond to all hazards, including natural disasters and terrorist threats. This hearing provided an update on the implementation of the reform of FEMA as mandated by the Post-Katrina Emergency Management Reform Act of 2006.

EMANCIPATION HALL: A TRIBUTE TO SLAVES WHO HELPED BUILD THE U.S. CAPITOL

On September 25, 2007, the Subcommittee held a hearing to receive testimony from the sponsors of H.R. 3315, a bill to name the great hall at the Capitol Visitor Center (CVC) as "Emancipation Hall". The CVC will be completed in the fall of 2008. This Center encompasses 580,000 square feet of space on three levels above and below ground. The footprint of the facility is approximately five acres, which is about 193,000 square feet. The CVC has a great hall that includes information and ticketing desks, as well as a generous waiting area. In addition, there is also an exhibition gallery, two orientation theaters, a new dining cafeteria with capacity for 550 people, two gift shops, 26 restrooms, and a 1,000 foot linear tunnel for truck loading and delivery. The overall project budget is $548 million. H.R. 3315 became Public Law 110–139.

THE REAUTHORIZATION OF THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

On September 27, 2007, the Subcommittee held a hearing to receive testimony on the reauthorization of Federal funding for operations, maintenance, and capital improvements for the John F. Kennedy Center for the Performing Arts. The Kennedy Center receives Federal funding for operations, maintenance, and capital improvements through the annual appropriations process in the Department of the Interior, Environment, and Related Agencies Appropriations Act. The FY 2007 enacted funding levels for the Kennedy Center were $17.6 million for operations and maintenance and $12.8 million for construction, for a total of $30.4 million. For FY 2008, the Administration's budget requested $20 million for operations and $19.4 million for construction, for a total of $39.4 million. As a result of the FY 2007 Continuing Resolution, the Kennedy Center had to shift several projects within its Comprehensive Building Plan to future years to keep the Eisenhower Theater renovation on schedule.

THE NEW DEPARTMENT OF HOMELAND SECURITY HEADQUARTERS AT ST. ELIZABETHS: LOCAL BUSINESS OPPORTUNITIES

On December 12, 2007, the Subcommittee held a hearing to receive testimony on the business opportunities presented by Federal redevelopment of the West Campus of St. Elizabeths. The General Services Administration is responsible for the redevelopment of the campus to provide a consolidated headquarters for the Department of Homeland Security. The purpose of the hearing was to: examine GSA's practices and policies regarding economic development around Federal buildings; evaluate how other Federal development efforts incorporated the participation of local residents and businesses; assess GSA's plan to incorporate DHS into the southeast Washington neighborhoods of Congressional Heights and Anacostia; and review the District of Columbia's plan to take advantage of the influx of Federal employees and small business opportunities in the community.

GOVERNMENT ACCOUNTABILITY'S OFFICE REVIEW OF THE FEDERAL PROTECTIVE SERVICE: PRELIMINARY FINDINGS

On February 8, 2008, the Subcommittee held a hearing to examine the preliminary findings of the Government Accountability Office's review of the Federal Protective Service. On February 13, 2007, Chairman James L. Oberstar and Subcommittee Chair Eleanor Holmes Norton wrote to the Government Accountability Office to request an examination of whether the FPS budget and personnel were adequate to support the proposed FPS mission, which was grounded in an inspector-based workforce, rather than a protection-based workforce. The request called for a comparison of current experience, workforce size, retention rates, and salaries to those areas prior to FPS's transfer to Department of Homeland Security. The hearing focused on the GAO's preliminary findings regarding these issues.

DOING BUSINESS WITH THE GOVERNMENT: THE RECORD AND GOALS FOR SMALL, MINORITY, AND DISADVANTAGED BUSINESSES

On March 6, 2008, the Subcommittee held a hearing to examine the small business programs of the Architect of the Capitol, the General Services Administration, the Federal Emergency Management Agency, the Smithsonian Institution, and the John F. Kennedy Center for the Performing Arts. The Federal Acquisition Regulation ("FAR") governs the process by which the Federal Government procures goods and services. With respect to small business concerns, the FAR, under Part 52.219–8, states that: "It is the policy of the United States that small business concerns, veteran-owned small business concerns, service-disabled veteran-owned small business concerns, HUBZone small business concerns, small disadvantaged business concerns, and women-owned small business concerns shall have the maximum practicable opportunity to participate in performing contracts let by any Federal agency, including contracts and subcontracts for subsystems, assemblies, components, and related services for major systems." To implement this policy, each Federal agency establishes an annual goal that represents, for that agency, the maximum practicable opportunity for small business concerns.

A GROWING CAPITOL COMPLEX AND VISITOR CENTER: NEEDS FOR TRANSPORTATION, SECURITY, GREENING, ENERGY, AND MAINTENANCE

On April 1, 2008, the Subcommittee held a hearing to examine the Capitol Complex Master Plan and the Capitol Visitor Center, with a focus on transportation, security, greening initiatives, energy, and maintenance. The United States Capitol Complex ("Capitol Complex") consists of the U.S. Capitol, the Cannon, Longworth, Rayburn and Ford House Buildings, the Hart, Dirksen, and Russell Senate Office Buildings, the U.S. Botanic Garden, the Capitol Grounds, the Library of Congress buildings, the U.S. Supreme Court Building, and the Capitol Power Plant. The Capitol Complex contains approximately 16.5 million square feet of building space including surface and below grade parking structures, and special purpose space such as the power plant, storage, and child care centers, housed in historic as well as modern buildings on approximately 450 acres. The replacement value for these facilities is approximately $9 billion. The AOC is responsible for maintaining the Capitol Complex.

NATIONAL FLOOD REMAPPING: THE PRACTICAL IMPACT

On April 2, 2008, the Subcommittee held a hearing to examine the practical impact of the Federal Emergency Management Agency's Flood Map Modernization Program. In 2003, FEMA initiated an effort to modernize the often outdated or flawed 1968 flood maps. Flood maps require updating because there are often physical changes to the topography, increased runoff from upstream development, improved statistical analysis, and changes to records and data that warrant revision to existing maps. These maps are used by emergency managers in all phases of emergency management.

THE OLD POST OFFICE BUILDING: THE GENERAL SERVICES ADMINISTRATION'S PLANS FOR FUTURE USE

On April 10, 2008, the Subcommittee held a hearing to receive testimony regarding plans for the future development of the Old Post Office building. The Old Post Office building in Washington, DC, constructed from 1892 to 1899, was intended to be the U.S. Post Office Department Headquarters building as well as the city's main post office. The Old Post Office building is an aging historical building that is inefficient, underutilized, and a financial drain on the Federal Building Fund. Because of the building's large atrium and relatively little office space for a building of its size, the costs of operating and maintaining the building per square foot of usable space are high. To redevelop the property, the current tenants must be relocated, which requires prospectuses to be approved by the Office of Management and Budget, the Committee on Transportation and Infrastructure, and the Senate Committee on Environment and Public Works. Congress enacted Public Law 110–359, which directs the General Service Administration to redevelop the Old Post Office building.

FIRST IN A SERIES: GREENING WASHINGTON AND THE NATIONAL CAPITAL REGION

On April 17, 2008, the Subcommittee held a hearing on greening initiatives for Washington, DC, and the National Capital Region. Current trends and future initiatives regarding facility management increasingly include concepts of sustainability and how "green" buildings contribute to sustainability. These concepts are quickly becoming fundamental requirements for both the facility owner and the facility tenant. Although there are many definitions of sustainability, all contain the notion of environmental balance and the goal of meeting present needs without jeopardizing the ability to meet future requirements. The goal is no net loss. Sustainability applies not only to the built environment but also to a variety of systems such as water systems, ecosystems, agriculture systems, and energy. Green buildings generally refer to buildings designed and built in such a way that they adhere to the tenets of sustainability. The hearing examined aspects of the building process, including construction, renovation, alteration, operation, and maintenance.

SAVING LIVES AND MONEY THROUGH THE PRE-DISASTER MITIGATION PROGRAM

On April 20, 2008, the Subcommittee held a hearing on the Federal Emergency Management Agency's Pre-disaster Mitigation Program. The hearing focused on the reauthorization of the Pre-disaster Mitigation Program, which provides assistance on a competitive basis to States and localities to carry out hazard mitigation projects. The PDM program provides cost-effective technical and financial assistance to state and local governments to reduce injuries, loss of life, and damage to property caused by natural hazards. Examples of mitigation activities include the seismic strengthening of buildings and infrastructure, relocation of buildings out of floodplains, installing shutters and shatter resistant

windows in hurricane-prone areas, and the building of "safe rooms" in houses and other buildings to protect from high winds. The PDM program provides grants to States on a competitive basis, with each State receiving a statutory minimum of $500,000 or one percent of the funds appropriated whichever is less. While the PDM program is generally recognized as effective, there is a concern with long delays in awarding grants. For example, of the $50 million made available in FY 2006, $39 million has been awarded, and in FY 2007 only $52.3 million has been awarded from an appropriation of $100 million. At the hearing, witnesses testified regarding whether funds should be distributed on a competitive basis, by formula, or a hybrid of competition and formula.

Assuring Public Alert Systems Work To Warn American Citizens of Natural and Terrorist Disasters

On June 4, 2008, the Subcommittee held a hearing on the efforts within the Federal Government, particularly the Federal Emergency Management Agency, to modernize, expand, and integrate existing emergency alert warning systems mainly through the Integrated Public Alert and Warning Systems ("IPAWS").

Making the General Services Administration Lease and Construction Process Efficient, Transparent, and User Friendly

On June 6, 2008, the Subcommittee held a hearing to receive testimony on "Making the GSA Lease and Construction Process Efficient, Transparent, and User-friendly". Witnesses testified on the roles of the General Services Administration and the private sector in procuring space for the Federal Government by construction or leasing, and provided recommendations for making the procurement process more efficient. The purpose of the hearing was to examine the construction and leasing procurement process and how GSA can promote greater savings throughout the process by working collaboratively with the private sector in reducing costs and/or eliminating costly provisions the process.

The Federal Protective Service: An Agency in Need of Rebuilding

On June 18, 2008, the Subcommittee held a hearing to examine the final report of the Government Accountability Office's review of the Federal Protective Service. On February 13, 2007, Chairman James L. Oberstar and Subcommittee Chair Eleanor Holmes Norton wrote to the Government Accountability Office to request an examination of whether the FPS budget and personnel were adequate to support the proposed FPS mission, which was grounded in an inspector-based workforce rather than a protection-based workforce. The request called for a comparison of current experience, workforce size, retention rates, and salaries to those areas prior to FPS's transfer to Department of Homeland Security. The hearing focused on GAO's final report regarding these issues.

MOVING MISSISSIPPI FORWARD: ONGOING PROGRESS AND REMAINING PROBLEMS

On June 19, 2008, the Subcommittee held a hearing on the status of the recovery from Hurricane Katrina in the State of Mississippi. The hearing focused on disaster recovery programs being provided by the Federal Emergency Management Agency and on overall housing policy, rebuilding public infrastructure, and the case management services provided through FEMA. The State of Mississippi is still recovering from Hurricane Katrina. As of May 27, 2008, FEMA reports that there were 6,384 temporary housing units in use in the state. In addition to providing housing for disaster victims, Mississippi was still actively working with FEMA to replace and repair public infrastructure and address mitigation issues for any new construction along the Gulf Coast. According to the U.S. Census, when Hurricane Katrina made landfall in 2005, Mississippi had the highest rate of poverty in the U.S., which had only increased the necessity for and importance of recovery services.

GENERAL SERVICES ADMINISTRATION'S FISCAL YEAR 2009 CAPITOL INVESTMENT AND LEASING PROGRAM (CILP)

On July 11, 2008, the Subcommittee held a hearing on the "General Services Administration's Fiscal Year 2009 Capital Investment and Leasing Program (CILP)", including repair, alteration, and construction of Federal buildings and leasing of Federal office space. The Capital Investment and Leasing Program plays a key role in providing the necessary resources to maintain current real property assets and acquire new or replacement assets. The Subcommittee has jurisdiction over all of GSA's real property activities pursuant to the Property Act of 1949, the Public Buildings Act of 1959, and the Cooperative Use Act of 1976. These three Acts are now codified in Title 40 of the United States Code. The President's budget request for FY 2009 included $620.1 million for new construction, including $331.3 million for consolidation of the Department of Homeland Security.

UNION STATION: COMPREHENSIVE HEARING ON THE PRIVATE MANAGEMENT, THE PUBLIC SPACE, AND THE INTERMODAL SPACES PRESENT AND FUTURE

On July 22, 2008, the Subcommittee held a hearing to examine the private management of Union Station, current intermodal transportation plans, as well as future intermodal transportation plans. The Department of Transportation established the Union Station Redevelopment Corporation, as a wholly-owned government corporation, with the stated goal of "commercial development of the Union Station complex that will, to the extent possible, financially support the continued operation and maintenance of such complex." According to the charter, the Corporation's principal office shall be in the District of Columbia. According to Senate Report 97–269, the idea of an intermodal center dates to a 1967 report issued by the National Capital Planning Commission (NCPC), which envisioned a station combining bus, intercity, and intracity rail components with local transportation modes.

CREDIT CRUNCH: EFFECTS ON FEDERAL LEASING AND CONSTRUCTION

On July 30, 2008, the Subcommittee held a hearing to examine the effects the current credit crunch has on the commercial office space market and its effect on the General Services Administration's capital program, specifically leasing. The Subcommittee hearing examined the nexus between the current credit crunch and the federal leasing program. There are several definitions of "credit crunch". In general, it involves a condition in which there is a short supply of cash to lend to businesses and consumers and usually occurs during a recession or poor economic times. The General Services Administration relies on the private sector to supply by lease more than 50 percent of the Federal Government's need for general purpose office space. The inability of the private sector to supply space negatively affects GSA's ability to lease space for Federal agencies.

ROLE OF THE FEDERAL GOVERNMENT IN SMALL BUSINESS DISASTER RECOVERY

On September 12, 2008, the Subcommittee held a hearing on the role of the Federal Government in the recovery of small businesses from disasters. After a disaster, assistance provided directly to businesses is provided through the Small Business Administration ("SBA"), under the authority of the Small Business Act rather than through Federal Emergency Management Administration. SBA assistance takes the form of loans, not grants. Businesses are eligible for loans up to $2 million for repairs or replacement of their buildings, inventory, and machinery, as well as working capital loans to help with business losses as a result of the disaster. These loans are at interest rates as low as four percent. While FEMA does not provide Public Assistance grants to small businesses, businesses benefit indirectly from that program. For example, the authority to reimburse state or local governments to remove debris from private property includes debris on commercial property as well as homes. However, unlike eligible private non-profits, businesses can not be reimbursed if they remove the debris themselves. In addition, businesses receive indirect benefits from repairs to public facilities such as roads, sewers, and water systems.

FEMA'S RESPONSE TO THE 2008 HURRICANE SEASON AND THE NATIONAL HOUSING STRATEGY

On September 23, 2008, the Subcommittee held a hearing on the Federal Emergency Management Agency's response to the 2008 hurricane season, the proposed National Disaster Housing Strategy, and the role of the American Red Cross in catastrophic events. The 2008 hurricane season had a serious impact on citizens and communities throughout the Gulf Coast and the eastern half of the country. The President declared 13 Major Disasters or Emergencies under the Stafford Act for Hurricanes or Tropical Storms. While significant, the impact of these storms had not been as catastrophic as other hurricane seasons, such as 2005, when Hurricanes Katrina, Rita, and Wilma struck the United States. In addition, the hearing addressed FEMA's National Housing Strategy. The Post-

Katrina Emergency Management Reform Act of 2006 directed FEMA to submit a report to Congress describing the National Disaster Housing Strategy. At the hearing, the Subcommittee received testimony from Mr. Harvey Johnson, the Deputy Administrator of FEMA, on the National Disaster Housing Strategy.

SUMMARY OF ACTIVITIES FOR THE SUBCOMMITTEE ON HIGHWAYS AND TRANSIT

During the 110th Congress, the Subcommittee on Highways and Transit, chaired by Representative Peter A. DeFazio, with Representative John J. Duncan Jr. serving as Ranking Member, held, or participated in, 25 hearings (169 witnesses and approximately 70 hours), and five briefings and roundtables, covering the breadth of issues within the jurisdiction of the Subcommittee.

The Committee on Transportation and Infrastructure developed major legislation, H.R. 3999, the "National Highway Bridge Reconstruction and Inspection Act of 2007", in the 110th Congress. This bill amends the Highway Bridge Program and the National Bridge Inspection Program to improve the safety of Federal-aid highway bridges, strengthen bridge inspection standards and processes, and increase investment in the reconstruction of structurally deficient bridges on the National Highway System. On July 24, 2008, H.R. 3999 passed the House by a vote of 367 to 55. The Senate did not complete action on the legislation.

The Committee also developed H.R. 3311, in the wake of the I–35W bridge collapse in Minneapolis, Minnesota on August 1, 2007. This bill authorized additional funds for emergency repairs and reconstruction of the bridge and waived the $100,000,000 limitation on emergency relief funds for those emergency repairs and reconstruction. On August 3, 2007, this legislation passed the House by a vote of 421–0, and passed the Senate with an amendment by the Senate by Unanimous Consent on August 4, 2007. The President signed the bill, as amended, into law on August 6, 2007.

The following bills and resolutions were enacted in the 110th Congress:

Public Law 110–291, the Over-the-Road Transportation Accessibility Act of 2007;

Public Law 110–56, to authorize additional funds for emergency repairs and reconstruction of the Interstate I–35 bridge located in Minneapolis, Minnesota, that collapsed on August 1, 2007, to waive the $100,000,000 limitation on emergency relief funds for those emergency repairs and reconstruction, and for other purposes;

Public Law 110–244, the SAFETEA–LU Technical Corrections Act of 2008;

Public Law 110–161, Division K, Title I, section 169, to repeal a prohibition on the use of certain funds for tunneling in certain areas with respect to the Los Angeles to San Fernando Valley Metro Rail project, California;

Public Law 110–441, to designate a portion of California State Route 91 located in Los Angeles County, California, as the "Juanita Millender-McDonald Highway";

Public Law 110–282, to designate a portion of United States Route 20A, located in Orchard Park, New York, as the "Timothy J. Russert Highway";

Public Law 110–88, to designate a portion of Interstate Route 395 located in Baltimore, Maryland, as "Cal Ripken Way";

H. Res. 339, supporting the goals of Motorcycle Safety Awareness Month;

H. Res. 375, honoring United Parcel Service and its 100 years of commitment and leadership in the United States;

H. Res. 772, recognizing the American Highway Users Alliance on the occasion of its 75th anniversary, and for other purposes; and

H. Res. 964, promoting the safe operation of 15-passenger vans.

Other bills and resolutions that passed the House include:

H.R. 3999, the "National Highway Bridge Reconstruction and Inspection Act of 2007";

H.R. 6052, the "Saving Energy Through Public Transportation Act of 2008";

H.R. 1773, the "Safe American Roads Act of 2007";

H.R. 6630, to prohibit the Secretary of Transportation from granting authority to motor carriers domiciled in Mexico;

H.R. 409, to amend title 23, United States code, to inspect highway tunnels;

H.R. 3248, the "SAFETEA–LU Technical Corrections Act of 2007";

H.R. 7321, the "Auto Industry Financing and Restructuring Act";

H.R. 6899, the "Comprehensive American Energy Security and Consumer Protection Act" and

H. Con. Res. 305, recognizing the importance of bicycling in transportation and recreation.

Public Laws and House Resolutions

OVER-THE-ROAD TRANSPORTATION ACCESSIBILITY ACT OF 2007

Public Law 110–291

(H.R. 3985)

July 30, 2008

This law strengthens the ability of the Federal Motor Carrier Safety Administration ("FMCSA") to monitor and enforce compliance with the Department of Transportation's over-the-road bus accessibility regulations. Congress passed the Americans with Disabilities Act ("ADA") in 1990 to expand and enhance opportunities for individuals with disabilities. Among its provisions, the ADA required the Department of Transportation ("DOT") to promulgate regulations to ensure the accessibility of public transportation, passenger rail, and motorcoach transportation. These regulations have not been enforced by FMCSA with respect to motorcoaches, however, because the agency interprets the motor carrier registration

statute in a way that limits the agency's authority to enforce accessibility regulations promulgated by DOT.

This law requires, as a registration condition for motor carriers of passengers, that a carrier be willing and able to comply with specified accessibility requirements for transportation provided by an over-the-road bus (characterized by an elevated passenger deck located over a baggage compartment). This legislation also directs the Secretary of Transportation and the Attorney General to enter into a memorandum of understanding to delineate the specific roles and responsibilities of the Department of Transportation and the Department of Justice, respectively, in enforcing carrier compliance with such requirements.

TO AUTHORIZE ADDITIONAL FUNDS FOR EMERGENCY REPAIRS AND RECONSTRUCTION OF THE INTERSTATE I–35 BRIDGE LOCATED IN MINNEAPOLIS, MINNESOTA, THAT COLLAPSED ON AUGUST 1, 2007, TO WAIVE THE $100,000,000 LIMITATION ON EMERGENCY RELIEF FUNDS FOR THOSE EMERGENCY REPAIRS AND RECONSTRUCTION, AND FOR OTHER PURPOSES

Public Law 110–56

(H.R. 3311)

August 6, 2007

This law authorizes additional funds for emergency repairs and reconstruction of the Interstate I–35 Bridge located in Minneapolis, Minnesota, that collapsed on August 1, 2007, to waive the $100,000,000 limitation on emergency relief funds for those emergency repairs and reconstruction, and for other purposes.

SAFETEA-LU TECHNICAL CORRECTIONS ACT OF 2008

Public Law 110–244

(H.R. 1195)

June 6, 2008

This law amends the Safe, Accountable, Flexible Efficient Transportation Equity Act: A Legacy for Users ("SAFETEA–LU") to make technical corrections to the Act. This law makes technical corrections to SAFETEA–LU and clarifies Congressional intent in a number of programs and Member-designated projects. This law corrects the oversubscription of funds in the research title of SAFETEA–LU, provides intended contract authority for the Maglev program, and clarifies the States' ability to use ignition interlocks for repeat impaired driving offenders.

TO REPEAL A PROHIBITION ON THE USE OF CERTAIN FUNDS FOR TUNNELING IN CERTAIN AREAS WITH RESPECT TO THE LOS ANGELES TO SAN FERNANDO VALLEY METRO RAIL PROJECT, CALIFORNIA

Public Law 110–161, Division K, Title I, Section 169

(H.R. 238)

(incorporated into H.R. 2764)

December 26, 2007

Section 169 of Division K, Title I, of the Consolidated Appropriations Act, 2008 (P.L. 110–161) repeals a decades-old prohibition on the use of Federal transit funds associated with the Los Angeles to San Fernando Valley Metro Rail project for tunneling in areas that had been identified as methane risk zones.

TO DESIGNATE A PORTION OF CALIFORNIA STATE ROUTE 91 LOCATED IN LOS ANGELES COUNTY, CALIFORNIA, AS THE "JUANITA MILLENDER-MCDONALD HIGHWAY"

Public Law 110–441

(H.R. 4131)

October 21, 2008

This law designates a portion of California State Route 91 located in Los Angeles County, California, as the "Juanita Millender-McDonald Highway". Representative Millender-McDonald was a Member of the Committee on Transportation and Infrastructure.

TO DESIGNATE A PORTION OF UNITED STATES ROUTE 20A, LOCATED IN ORCHARD PARK, NEW YORK, AS THE "TIMOTHY J. RUSSERT HIGHWAY"

Public Law 110–282

(S. 3145)

July 23, 2008

This law designates a portion of United States Route 20A, located in Orchard Park, New York, as the "Timothy J. Russert Highway". This bill was introduced following the untimely death of the host of Meet the Press, and honors his legacy in his hometown of Buffalo, New York.

TO DESIGNATE A PORTION OF INTERSTATE ROUTE 395 LOCATED IN BALTIMORE, MARYLAND, AS "CAL RIPKEN WAY"

Public Law 110–88

(H.R. 3218)

September 28, 2007

This law designates a portion of Interstate Route 395 located in Baltimore, Maryland, as "Cal Ripken Way".

SUPPORTING THE GOALS OF MOTORCYCLE SAFETY AWARENESS MONTH

(H. Res. 339)

May 21, 2008

H. Res. 339 recognizes the House of Representatives' support for the goals of Motorcycle Safety Awareness Month and brings much needed attention to motorcycle safety on our nation's roadways. Motorcycles are a fuel-efficient and congestion-decreasing mode of transportation and are a valuable component of our transportation system. This increasingly popular mode of transportation also requires greater attention to the safety concerns associated with riding. Public awareness of motorcycle safety benefits everyone that uses our nation's roadways, not just motorcyclists, because it can lead to a decrease in car-motorcycle crashes.

HONORING UNITED PARCEL SERVICE AND ITS 100 YEARS OF COMMITMENT AND LEADERSHIP IN THE UNITED STATES

(H. Res. 375)

July 16, 2007

H. Res. 375 honors the United Parcel Service ("UPS") on its 100 years of commitment and leadership in the United States. This resolution also recognizes UPS for the numerous awards the company has received for its outstanding business practices, values and commitment to social responsibility and diversity, and contributions to charitable organizations. It also recognizes UPS for receiving the U.S. Environmental Protection Agency's Clean Air Excellence Award, which cited UPS' alternative fuel program under which the UPS "Green Fleet" recently passed the 100 million mile mark.

RECOGNIZING THE AMERICAN HIGHWAY USERS ALLIANCE ON THE OCCASION OF ITS 75TH ANNIVERSARY, AND FOR OTHER PURPOSES

(H. Res. 772)

January 22, 2008

H. Res. 772 recognizes the American Highway Users Alliance on the occasion of its 75th Anniversary and highlights the tremendous work the group has done to promote the safe use of our nation's highways.

PROMOTING THE SAFE OPERATION OF 15-PASSENGER VANS

(H. Res. 964)

April 30, 2008

H. Res. 964 promotes the safe operation of 15-passenger vans on our nation's roads and resolves that the House of Representatives recognizes the need for awareness regarding the increased risks of driving 15-passenger vans and encourages any operator of such vehicle to provide adequate training for drivers and safety information, including the necessity for wearing safety belts, to passengers.

Other Legislation

NATIONAL HIGHWAY BRIDGE RECONSTRUCTION AND INSPECTION ACT OF 2007

(H.R. 3999)

Passed the House on July 24, 2008

H.R. 3999, the "National Highway Bridge Reconstruction and Inspection Act of 2007", amends the Highway Bridge Program and the National Bridge Inspection Program to improve the safety of Federal-aid highway bridges, strengthen bridge inspection standards and processes, and increase investment in the reconstruction of structurally deficient bridges on the National Highway System. In particular, H.R. 3999 instructs the Secretary, in consultation with the States, to inventory all bridges on Federal-aid highways, identify each bridge inventoried that is either structurally deficient or functionally obsolete, assign a risk-based priority for replacement or rehabilitation of each such bridge after consideration of safety, serviceability, and essentiality for public use, and determine the cost of replacing each such bridge with a comparable facility or of rehabilitating such bridge. H.R. 3999 also instructs the Secretary to establish a process for assigning risk-based priorities not later than 18 months after enactment. The bill requires States to establish five-year performance plans for inspection of bridges, and the replacement or rehabilitation of structurally deficient and functionally obsolete highway bridges in the State. H.R. 3999 requires minimum requirements for inspection standards to include procedures for conducting annual compliance reviews of state inspections, quality control and quality assurance procedures, load ratings, and weight limit postings of structurally deficient bridges. Furthermore, this bill requires the Secretary to expand the scope of the bridge inspector training program to ensure that all persons conducting highway bridge inspections receive appropriate training and certification under the program.

SAVING ENERGY THROUGH PUBLIC TRANSPORTATION ACT OF 2008

(H.R. 6052)

Passed the House on June 26, 2008

H.R. 6052 authorizes appropriations for each of FY 2008 and FY 2009 for public transportation formula grants for urbanized areas and for other areas. The bill authorizes the Secretary of Transportation to make such grants for: operating costs of equipment and facilities being used to provide the public transportation or intercity bus service that the grant recipient is no longer able to pay as a result of reducing fares; operating and capital costs of equipment and facilities being used to provide transportation services or intercity bus service that the recipient incurs as a result of expanding such services; the avoidance of increased fares for public transportation or intercity bus service or decreased services; the costs of acquiring clean fuel or alternative fuel vehicle-related equipment or facilities for the purpose of improving fuel efficiency; and administrative costs in establishing or expanding commuter matching services to provide commuters with information and assistance about alternatives to single occupancy vehicle use. The Federal share for these grants is 100 percent.

SAFE AMERICAN ROADS ACT OF 2007

(H.R. 1773)

Passed the House on May 15, 2007

H.R. 1773 limits the authority of the Secretary of Transportation to grant authority to motor carriers domiciled in Mexico to operate beyond United States municipalities and commercial zones on the United States-Mexico border.

On February 23, 2007, Secretary of Transportation Mary Peters announced that the Department of Transportation would initiate a one-year pilot program to grant 100 Mexico-domiciled trucking companies unrestricted access to U.S. roads. H.R. 1773 authorizes a pilot program of up to 100 Mexico-domiciled motor carriers, and up to 1,000 vehicles, but only after a strict set of prerequisites are met and only under a specific set of conditions. To ensure safety, this legislation includes extensive requirements to hold DOT accountable to Congress and the public before a pilot program can begin and calls for continuous oversight of the program. The Inspector General of the Department of Transportation ("DOT IG") must verify that every requirements of Section 350 of Public Law 107–87 has been met and that DOT has sufficient mechanisms in place to apply and enforce safety laws. H.R. 1773 also ensures that in conducting a pilot program, DOT follows all administrative procedures for pilot programs required by law. In addition, the bill ensures that U.S. carriers must be able to conduct comparable operations in Mexico before the pilot program can begin. If the Secretary fails to comply with any provision of the Act, the authority to conduct the program terminates.

TO PROHIBIT THE SECRETARY OF TRANSPORTATION FROM GRANTING AUTHORITY TO MOTOR CARRIERS DOMICILED IN MEXICO

(H.R. 6630)

Passed the House on September 9, 2008

H.R. 6630 directs the Secretary of Transportation to terminate, by September 6, 2008, the one-year, cross-border pilot project initiated on September 6, 2007, by the Department of Transportation to allow up to 100 motor carrier companies based in Mexico to conduct long-haul operations beyond the commercial zones. Congress enacted a provision to prohibit funding of this controversial program in the Consolidated Appropriations Act, 2008. DOT has continued its pilot program despite this funding prohibition, arguing that the language only prohibits future pilot programs and does not impact the program initiated in September 2007. H.R. 6630 prohibits DOT from using any funds to establish a cross-border motor carrier pilot program.

H.R. 6630 prohibits the Secretary, unless expressly authorized by Congress, from granting authority to a motor carrier domiciled in Mexico to operate beyond U.S. municipalities and commercial zones on the United States-Mexico border after September 6, 2008, to ensure that DOT does not administratively extend this pilot program beyond one year. H.R. 6630 also requires three reports to Congress assessing the implementation of the pilot program within 60 days of the date of enactment from the DOT IG, from the independent review panel established by the Secretary to monitor the pilot program, and from the Secretary of Transportation.

TO AMEND TITLE 23, UNITED STATES CODE, TO INSPECT HIGHWAY TUNNELS

(H.R. 409)

Passed the House on January 22, 2008

This bill amends Federal highway law to direct the Secretary of Transportation to establish: (1) a national highway tunnel inspection program, including standards for the proper safety inspection and evaluation of all highway tunnels; (2) a training and certification program for highway tunnel inspectors; and (3) a national inventory of highway tunnels. This bill authorizes tunnel construction, rehabilitation, and operational improvements (including safety inspection of such tunnels) as eligible projects under the federal surface transportation program.

SAFETEA–LU TECHNICAL CORRECTIONS ACT OF 2007

(H.R. 3248)

Passed the House on August 1, 2007

This bill amends the Safe, Accountable, Flexible Efficient Transportation Equity Act: A Legacy for Users ("SAFETEA–LU") to make technical corrections to the Act. The bill makes technical corrections to SAFETEA–LU and clarifies Congressional intent in a

number of programs and Member projects. The bill corrects the oversubscription of funds in the research title of SAFETEA–LU, provides intended contract authority for the Maglev program, and clarifies the States' ability to use ignition interlocks for repeat impaired driving offenders. This bill was incorporated into the SAFETEA–LU Technical Corrections Act of 2008 (P.L. 110–244).

AUTO INDUSTRY FINANCING AND RESTRUCTURING ACT

(H.R. 7321)

Passed House on December 10, 2008

Section 14 of H.R. 7321 requires that each automobile manufacturer receiving financial assistance under this bill shall conduct an analysis of potential uses of any excess production capacity, particularly those of former sport utility vehicle producers, to make vehicles for sale to public transit agencies. The required analysis of potential uses is to include such issues as: 1) the current and projected demand for bus and rail cars by American public transit agencies; 2) the potential growth for both sales and supplies to such agencies in the short, medium, and long term; 3) a description of existing "Buy America" provisions, and data provided by the Federal Transit Administration regarding the use or request of waivers from such provisions; and 4) any recommendations as to whether such actions would result in a business line that makes sense for the automobile manufacturer. The completed analysis must then be reviewed by the Comptroller General of the United States who must then present a report to Congress and the President's designee.

Section 18 of H.R. 7321 requires the President's designee to serve as a guarantor with respect to all obligations with respect to leases of qualified transportation property, which is defined as any domestic property subject to a lease that was approved by the Federal Transit Administration prior to January 1, 2006. The terms of the guarantee are to be determined by the President's designee within two weeks of the date of enactment of this bill. Claims covered under this guarantee in excess of collateral that has been designated for the President's designee will be paid from the General Fund of the Treasury. In the event that such payments from the General Fund are required, the President's designee will recoup the amount paid by establishing a fee that is sufficient to recoup the amount of the claim payment within three years of the payment.

COMPREHENSIVE AMERICAN ENERGY SECURITY AND CONSUMER PROTECTION ACT

(H.R. 6899)

Passed the House on September 16, 2008

H.R. 6899, the "Comprehensive American Energy Security and Consumer Protection Act" includes H.R. 6052, the "Saving Energy Through Public Transportation Act of 2008".

RECOGNIZING THE IMPORTANCE OF BICYCLING IN TRANSPORTATION AND RECREATION

(H. Con. Res. 305)

Passed the House on May 21, 2008

H. Con. Res. 305 recognizes the importance of bicycling in transportation and recreation and recognizes that increased and safe bicycle use for transportation and recreation is in the national interest of the United States. This concurrent resolution also supports policies that increase bicycle use. H. Con. Res. 305 also encourages the Department of Transportation to provide leadership and coordination by reestablishing a Federal bicycle task force to include representatives from all relevant Federal agencies.

Hearings

The Subcommittee on Highways and Transit held 23 hearings and held five Member Briefings in the 110th Congress.

SURFACE TRANSPORTATION SYSTEM: CHALLENGES FOR THE FUTURE

On January 24, 2007, the Subcommittee held a hearing on the capacity of our nation's surface transportation system and the challenges and changes it will face 30 to 50 years into the future. Throughout our nation's history, the economy has undergone constant change but one factor has remained the same: Economic growth, prosperity, and opportunity have followed increased investments in infrastructure. Transportation infrastructure provides the backbone of our economy by moving people and goods.

Despite significant Federal investment to date and the importance of transportation both to the economy and the quality of life in our communities, the expansion of transportation infrastructure has not kept pace with needs. For example, highway infrastructure, as defined by the number of available highway miles, increased only 1.97 percent between 1980 and 2000. Yet between 1980 and 2003, travel in passenger cars, defined by the number of vehicle miles traveled, grew by 50 percent. Over this same timeframe, truck miles traveled increased 95 percent, while highway travel in other two-axle vehicles including light trucks and SUVs grew 238 percent.

The investment needed to repair, maintain, and improve existing infrastructure is significant. According to DOT estimates, $78.8 billion per year from all sources from 2005 to 2024 is needed to sustain highways, bridges, and transit systems at their current conditions. As an example, currently there are 599,766 highway bridges in the United States, of which 152,316 are either structurally or functionally deficient. These unmet infrastructure needs have resulted in, among other things, an alarming increase in congestion.

The Subcommittee heard testimony on these issues from representatives of the U.S. Department of Transportation, the National Surface Transportation Policy and Revenue Study Commission, and the research community on how our surface transportation system will need to adapt to support our changing and expanding economy. The hearing was the first in a series of hearings

focusing on forward-looking surface transportation infrastructure issues.

PUBLIC-PRIVATE PARTNERSHIPS: INNOVATIVE FINANCING

On February 13, 2007, the Subcommittee held a hearing on innovative financing under public-private partnership ("PPP") arrangements. The purpose of the hearing was to address how the public interest should be protected when PPPs are used to provide innovative financing for infrastructure investment, and whether the model legislation developed by the Federal Highway Administration ("FHWA") provides adequate safeguards for the public interest.

Traditionally, delivery of highway and transit projects follows the design-bid-build sequence. The typical pattern that began in the mid-20th Century is for public transportation agencies (state departments of transportation and local transit authorities) to design a transportation project using in-house engineering staff until it is 100 percent complete. The project is then let out for bids in a competitive process. Generally, the private construction firm that offers the lowest-price bid is awarded the contract to build the project. The project is financed with public (Federal, state, or local) funds. At completion, the state transportation agency inspects the project to ensure that it is built according to plan and meets various design and construction standards. The agency then operates and maintains the project during the useful life of the project.

In the mid-1980s, state and local governments began having difficulty raising public funds to pay for infrastructure investments during a period marked by reduced Federal spending for domestic programs such as infrastructure. As a result, they turned to the private sector to tap into its financial resources to supplement government funds.

Early PPPs in the United States were mostly based on innovative procurement. A number of models evolved, ranging from design-build to design-build-operate, design-build-maintain, and design-build-operate-maintain. As more responsibilities were assumed by the private-sector partner, more of the risks relating to project costs and delays were shifted to the private-sector partner. In October 2004, a new variety of PPPs began when the City of Chicago entered into negotiations to lease the Skyway, an operating toll road, to a consortium of private operators for a very sizable upfront cash payment. Several similar agreements soon followed this deal along with a push for more States to enter into PPP agreements to finance growing infrastructure investment needs.

The growing attention paid to utilizing these agreements across the country calls for greater public debate and evaluation of PPPs. The Subcommittee received testimony from officials of DOT, the Wisconsin Department of Transportation, and the Metropolitan Transit Authority of Harris County, Texas, as well as representatives of the legal, financial, and research/advocacy community who specialize in PPP and transportation project financing. This hearing was the first hearing in a series of hearings held by the Subcommittee to examine the role of PPPs in financing infrastructure needs.

TRANSIT AND RAIL SECURITY

On March 7, 2007, the Subcommittees on Highways and Transit and Railroads, Pipelines, and Hazardous Materials held a joint oversight hearing on current issues related to transit and rail security. This hearing addressed issues such as the roles and responsibilities of the Department of Homeland Security, the Federal Transit Administration, and the Federal Railroad Administration; the state of preparedness in the transit, rail, and over-the-road bus industries; and federal programs and activities that help meet the security needs and funding priorities for mitigation of security threats against the Nation's transit, rail, and over-the-road bus systems.

U.S./MEXICAN TRUCKING: SAFETY AND THE CROSS-BORDER DEMONSTRATION PROJECT

On March 13, 2007, the Subcommittee held a hearing to examine the status of cross-border trucking operations between the United States and Mexico, and to assess safety issues surrounding a proposed U.S. Department of Transportation demonstration project to allow Mexico-domiciled motor carriers access to U.S. roads beyond the commercial zones on the border.

The North American Free Trade Agreement ("NAFTA"), which took effect on January 1, 1994, removed restrictions on cross-border truck and bus service between the United States and Mexico. Since 1995, the opening of the U.S.-Mexico border has been delayed due to concerns over whether opening the border would adversely impact safety on U.S. roads, based on numerous reports of safety violations by Mexico-domiciled motor carriers, their vehicles, and their drivers. As a result, trucks and buses entering from Mexico have been limited to the "commercial zones" along the border. These commercial zones, from three to 20 miles wide, are found along the U.S.-Mexico border in California, Arizona, New Mexico, and Texas.

On February 23, 2007, at a press conference in El Paso, Texas, Secretary of Transportation Mary Peters announced the start of a demonstration project, or pilot program, that would permit 100 trucking companies, selected by DOT, to conduct long-haul, cross-border operations. The initiation of the pilot program followed an announcement in Monterrey, Mexico, that the U.S. and Mexico had reached an agreement for U.S. inspectors to conduct safety audits on-site in Mexico. DOT has long viewed this as the final step to opening the border.

The hearing examined questions about DOT's legal authority to carry out a pilot program and to fully open the border, about potential impacts on safety, and about reciprocity for U.S. carriers seeking access to Mexico. John Hill, Administrator of the Federal Motor Carrier Safety Administration, and Jeffrey Shane, DOT Under Secretary for Policy, described the elements of the anticipated pilot program, and DOT Inspector General Calvin Scovel discussed the findings of his investigations of the safety of Mexico-domiciled motor carriers and whether DOT has met Congressionally-mandated pre-requisites to opening the border to truck traffic.

MOTORCOACH SAFETY

On March 20, 2007, the Subcommittee held an oversight hearing to examine the safety of motorcoach operations in the United States in light of several fatal accidents. The hearing also examined Federal regulations that govern motorcoaches, the National Transportation Safety Board's ("NTSB") recommendations with respect to bus safety, and the response of the Federal Motor Carrier Safety Administration ("FMCSA") in light of these accidents and findings.

In 2005, the motorcoach industry's 39,068 buses provided a record 631 million passenger trips and traveled 2.44 billion miles. Travel by a motorcoach, or over-the-road bus, is among the safest forms of transportation. However, several high profile fatal crashes have raised concerns that more needs to be done to ensure the safety of motorcoach travelers. On March 2, 2007, a bus carrying a college baseball team from Bluffton, Ohio, plunged off an overpass in Atlanta, Georgia, killing seven students and injuring 29 others. On September 23, 2005, 44 residents of an assisted living facility were killed in Wilmer, Texas, during an evacuation to move out of the path of Hurricane Rita, when a fire started in the right wheel tire hub. The bus company involved in the Texas crash was reviewed for compliance with safety regulations earlier in the year and was found to have serious safety flaws. Nevertheless, FMCSA permitted the carrier to continue to transport passengers.

The hearing included testimony from FMCSA Administrator John Hill and examined questions about the adequacy of oversight efforts by the Federal Motor Carrier Safety Administration to ensure that bus companies comply with Federal safety regulations and take the companies that do not comply off the road. NTSB Chairman Rosenker highlighted outstanding motorcoach safety recommendations made by the Board since 1999 that have not been acted on by the Department of Transportation. In addition, he discussed the Board's conclusions from the Wilmer, Texas crash, which include that FMCSA's process to review the safety fitness of truck and bus companies is inadequate.

STRUCTURE OF THE FEDERAL FUEL TAX AND THE LONG-TERM VIABILITY OF THE HIGHWAY TRUST FUND

On March 27, 2007, the Subcommittee held a hearing on the structure of the Federal excise tax on motor fuels and how the tax's structure affects the long-term financial viability of the Highway Trust Fund, which contributes most of the funding for the Federal highway and transit programs. Federal assistance for highway construction dates back to the early 20th Century when Congress provided $500,000 in the Post Office Appropriation Act of 1912. A greatly expanded Federal role began with the Federal-Aid Highway Act of 1944, which authorized the construction of a "National System of Interstate Highways". However, the construction program made little progress because the program lacked a sound financing mechanism.

The landmark Federal-Aid Highway Act of 1956 authorized a 41,000-mile National System of Interstate and Defense Highways. The Act also established the Highway Trust Fund ("HTF"), into

which are deposited receipts from federal excise taxes levied on motor fuels and various highway-related products such as tires and heavy vehicles, to be used for the highway program. The motor fuel tax provides about 90 percent of all HTF revenues. This dedicated funding mechanism provides financial certainty for the Federal-aid Highway Program.

In addition to the Federal-aid Highway Program and the Federal transit programs, the HTF also funds programs administered by the Federal Motor Carrier Safety Administration and some of the programs administered by the National Highway Traffic Safety Administration ("NHTSA"). When the HTF was established in 1956, the excise tax rate for highway use of motor fuels was three cents per gallon. Since 1956, the tax rate and structure have been revised several times. The current rates of 18.4 cents per gallon of gasoline and 24.4 cents per gallon of diesel went into effect on October 1, 1993.

Most observers recognize that the current financing mechanism using dedicated federal highway-related excise tax revenues to fund infrastructure programs and projects has served the nation well in helping build a world class highway system and will continue to be the primary method of funding our highway and transit programs in the future. This hearing provided the Committee with a better understanding of the issues related to this financing mechanism and its structure.

PUBLIC-PRIVATE PARTNERSHIPS: INNOVATIVE CONTRACTING

On April 17, 2007, the Subcommittee held a hearing on innovative contracting and procurement techniques under public-private partnership arrangements. For a variety of reasons, both state departments of transportation ("State DOTs") and transit agencies in the mid–1980s began outsourcing to private contractors a number of the activities associated with planning and development of transportation projects. Over time, the list of such outsourced activities lengthened.

As the number of transportation PPPs grew, they were presented as a win-win proposition for governments and the private sector. For the government, it offered the opportunity to encourage entrepreneurial development and operation of transportation projects, take advantage of private-sector management skills and capital, speed up project delivery and the application of advanced technology, and reduce the size of public payrolls. For the private sector, it offered opportunities to participate in infrastructure investment, to expand their customer base, and to diversify their business model.

A number of innovative contracting models evolved, encompassing varying activities for which the private-sector partner was responsible. They ranged from design-build to design-build-operate, design-build-maintain, and design-build-operate-maintain. As more responsibilities were assumed by the private-sector partner, more of the risks relating to project costs and delays were shifted to the private-sector partner.

To evaluate innovative contracting methods by State DOTs that have the potential of reducing the life-cycle cost of projects while maintaining product quality, FHWA established the Special Exper-

imental Project Number 14—Innovative Contracting ("SEP–14") program in 1990. SEP–14 focused on four innovative contracting methods that could potentially reduce the life-cycle cost of projects, including cost-plus-time bidding, lane rental, warranty clauses, and design-build contracting.

In 2004, FHWA established Special Experimental Project Number 15 ("SEP–15") program to explore four major areas where alternative approaches may expedite project delivery. These areas of interest include contracting, right-of-way acquisition, project finance, and compliance with environmental requirements. SEP–15 is not a replacement program for SEP–14, which continues to be used to evaluate experimental contract administration methods. Instead, it targets a different set of contract oversight issues with the aim of speeding up project delivery.

Due to the complexity of these various innovative contracting techniques, the Subcommittee held this hearing to promote greater review of their use and the implications for the future of infrastructure financing. The Subcommittee received testimony from officials of the Federal Highway Administration, the Federal Transit Administration, the Utah Department of Transportation, TriMet (a transit agency in Oregon), and representatives of the engineering and construction industries and transportation employees. This hearing was the second hearing held by the Subcommittee to discuss the issues surrounding PPPs.

BUY AMERICA

On April 24, 2007, the Subcommittee held an oversight hearing on the implementation of statutory requirements relating to the use of domestically produced materials, products, and components in Federally-assisted highway and transit projects (commonly known as Buy America).

In 1933, as part of the Federal Government's response to the Great Depression, Congress enacted the Buy American Act ("the 1933 Act"). The 1933 Act provides that: (1) Only articles, materials, and supplies mined, produced or manufactured in the United States can be used for public projects; and (2) all contractors for public construction projects in the United States must use only domestic materials. The 1933 Act applies only to direct purchases of goods by federal agencies, not to grants made by federal agencies or to purchases by state and local governments with federal funds. The purpose of the 1933 Act was to require the Federal Government to spend taxpayers' dollars only on goods produced in the United States, thereby fostering and protecting American industry and workers.

Buy America requirements were first included in highway law in the Surface Transportation Assistance Act of 1982. The provision has been revised several times. Currently, the Secretary of Transportation is prohibited from providing Federal assistance for a highway or transit project unless the steel, iron, and manufactured products used in the project are produced in the United States. However, the Secretary is authorized to waive the Buy America requirements if (1) applying those requirements would not be in the public interest, (2) the materials and products are not produced in the United States in reasonably available quantities or a satisfac-

tory quality, or (3) using such domestic materials would increase the cost of the overall project contract by more than 25 percent.

Concerns have been raised recently regarding the applicability of Buy America requirements to certain bridge projects. Specifically, there is a concern with the test used to determine if the contract cost of using domestic steel to build a bridge exceeds the contract cost of using foreign steel by more than 25 percent.

The Subcommittee heard from the Administrators of the Federal Highway Administration and the Federal Transit Administration, officials of a state department of transportation and a transit agency, and representatives of a steel bridge manufacturer and a transit fare collection systems manufacturer.

FTA Implementation of the New Starts and Small Starts Programs

On May 10, 2007, the Subcommittee held an oversight hearing on the Federal Transit Administration's implementation of the New Starts and Small Starts provisions of the Capital Investment Grants program.

Designed to fund major investments in the transit infrastructure of urbanized areas, the New Starts program has helped finance dozens of new rail transit fixed guideway systems across the country. The Small Starts program, the newest category of capital transit grants, was created in 2005 by SAFETEA–LU to assist smaller transit projects. The Small Starts program is designed to include fewer project justification criteria and grant requirements than the New Starts program, allowing for a more simplified FTA review. The New Starts and Small Starts programs are essential for providing Federal funding for new transit construction projects, while also protecting the public interest in the process.

SAFETEA–LU directed that each New Starts and Small Starts project justification factor be rated on a five-point scale including high, medium-high, medium, medium-low, and low designations. Although the statute directs FTA to weigh the project justification factors comparably, FTA has historically weighted the cost-effectiveness factor more heavily than any factor when evaluating overall project justifications, while it has struggled to implement factors that rate the environmental and economic benefits of new transit projects. This hearing examined the manner in which the FTA has followed Congressional intent while implementing these important transit programs, and the Subcommittee heard from witnesses who are working on transit projects funded through these programs.

Public-Private Partnerships: State and User Perspectives

On May 24, 2007, the Subcommittee held a hearing on the views of state and local officials and the users on transportation project delivery and financing under PPP arrangements and state and local government concerns over the question of management and political control. Long-term concessions that last for 50 to 99 years cede control and ownership to the private partners for two to four generations. These arrangements will severely limit the ability of future governments to make rational decisions relating to transportation improvement and economic development. Similarly, non-

compete clauses, or the more recent variations of reimbursement scheme, will hamper state and local governments' ability to meet their responsibility to address current and future mobility and safety needs.

Users have expressed concerns about State PPP enabling legislation that keeps such information secret until the PPP agreements have been finalized, when it will be too late to influence the decision. Also, many PPP agreements include an automatic rate escalation, which deny users an opportunity to express their views on rate increases. The use of tolls, which are regressive, when entering into PPP agreements also raise equity concerns.

The Subcommittee heard testimony from state and local officials, and representatives of the trucking industry, highway user and environmental communities. This hearing was the third hearing held by the Subcommittee to examine the role of PPP arrangements in financing infrastructure investment.

CONGESTION AND MOBILITY

On June 7, 2007, the Subcommittee held a hearing on the problem of congestion facing the nation's surface transportation system and analyzed several of the approaches available for dealing with the problem. Congestion on our nation's transportation system has resulted in a significant decline in service quality in terms of vehicle flow speeds, travel comfort, vehicle operating cost, or driver stress.

Congestion tends to be concentrated in major metropolitan areas, especially around ports, airports, freight distribution centers, and places where major highways intersect. The U.S. surface transportation system involves a national network of facilities serving the mobility needs of the entire country. Localized congestion—whether affecting travelers trying to reach the airport to catch a flight or packages being shipped for just-in-time manufacturing—often has effects that ripple across the nation. The interconnected nature of the network and the broad nationwide impacts of regionalized congestion have led many experts to believe that a national response is warranted.

The most comprehensive report on the state of congestion and its impacts has been conducted by the Texas Transportation Institute ("TTI") at Texas A&M University. Using data collected from the U.S. Department of Transportation and States, the report assesses the magnitude of our nation's congestion problem by examining congestion in urban areas. TTI first issued the Urban Mobility Report in 1982. The most recent report concludes that there is no "single solution" to addressing urban congestion. Rather, a "balanced approach" in regional efforts, and a range of policy options designed to increase travel options, are needed to mitigate congestion. These policy options include expanding roadway and transit capacity, improving the operational efficiency of transportation networks, better demand management, and better alignment among land use, development, and transportation planning decisions.

The Subcommittee received testimony from various stakeholders on the impact of congestion on the economy and the quality of life for the general public. In addition, the Subcommittee reviewed the

various proposed solutions for addressing congestion on our nation's surface transportation network.

MOTOR CARRIER SAFETY: FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION'S OVERSIGHT OF HIGH-RISK CARRIERS

On July 11, 2007, the Subcommittee held an oversight hearing to review the Federal Motor Carrier Safety Administration's oversight of high-risk carriers.

The FMCSA is the Federal agency responsible for commercial motor vehicle safety, including trucks and buses. FMCSA oversees an industry of over 700,000 active motor carriers that operate nearly five million vehicles and employ over seven million drivers. To target its monitoring and enforcement activities over this vast industry, FMCSA utilizes several tools. Assessments of carriers' compliance with safety and hazardous materials regulations occur through Compliance Reviews conducted by the agency and its State partners; roadside inspections; and citations issued when a carrier is stopped for a traffic violation. A carrier is selected for a Compliance Review based on a risk assessment conducted by the agency that draws on data in the Motor Carrier Safety Status Measurement System ("SafeStat"). FMCSA also conducts safety audits of "new entrants", or carriers granted new authority to operate, within the first 18 months of their operation. If violations of Federal motor carrier safety, vehicle, or driver regulations are found during any of these monitoring and enforcement activities, the agency may assess penalties or place a carrier out of service until the carrier corrects the deficiencies.

The Subcommittee heard testimony from the FMCSA representatives regarding the agency's oversight of high-risk motor carriers, and efforts to identify carriers that are not in compliance with Federal motor carrier safety laws and regulations. The Government Accountability Office ("GAO"), the DOT IG, and the NTSB have issued numerous studies, reports, and investigative findings since 2000 regarding the FMCSA's enforcement programs and activities, and in particular the agency's efforts to target carriers that are at a high risk of an accident. At this hearing, witnesses from these organizations commented on the performance measures, monitoring tools, and enforcement programs, including compliance reviews, which FMCSA and its state partners utilize to examine a motor carrier's operations to determine the carrier's safety fitness and to target those operators who pose a safety risk.

STRUCTURALLY DEFICIENT BRIDGES IN THE UNITED STATES

On September 5, 2007, the Committee on Transportation and Infrastructure held a hearing on structurally deficient bridges on the National Highway System. This hearing was held in the wake of the collapse of the I–35W Bridge in Minneapolis, Minnesota, to discuss steps that must be taken to ensure the safety of our nation's bridges. At 6:05 p.m. on August 1, 2007, the I–35W Bridge in Minneapolis, Minnesota, collapsed into the Mississippi River, killing 13 people. Following this tragedy, public awareness of the deteriorating conditions of our nation's bridges increased greatly.

Bridges are considered structurally deficient if significant load-carrying elements are found to be in poor or worse condition due to deterioration and/or damage. According to the U.S. Department of Transportation ("DOT"), one of every eight bridges in the nation is structurally deficient. Of the 599,766 bridges in the United States, 152,316 bridges are deficient, including 72,524 structurally deficient bridges and 79,792 functionally obsolete bridges. According to DOT, more than $65 billion could be invested immediately in a cost-beneficial way, by all levels of government, to replace or otherwise address existing bridge deficiencies.

The high percentage of deficient bridges and the large existing backlog are, in part, due to the age of the network. One-half of all bridges in the United States were built before 1964. Interstate System bridges, which were primarily constructed in the 1960s, pose a special challenge because a large percentage of these bridges are in the same period of their service lives (e.g., 44 percent of these bridges were constructed in the 1960s. The Highway Bridge Program provides funding to enable States to improve the condition of their highway bridges through replacement, rehabilitation, and systematic preventive maintenance. The apportioned funds are distributed according to a formula based on each State's relative share of the total cost to repair or replace deficient highway bridges.

The Committee heard testimony from the U.S. Secretary of Transportation, the Mayor of Minneapolis, Minnesota, state departments of transportation, county engineers, and stakeholder groups.

THE FEDERAL TRANSIT ADMINISTRATION'S PROPOSED RULE ON THE NEW STARTS AND SMALL STARTS PROGRAMS

On September 26, 2007, the Subcommittee held an oversight hearing on the Federal Transit Administration's proposed rulemaking on the New Starts and Small Starts programs. The hearing explored the FTA's Notice of Proposed Rulemaking in depth, and Members heard from witnesses who are working on transit projects and initiatives that would be affected by the rule. FTA is currently in the process of undertaking a rulemaking on the New Starts and Small Starts programs as required by SAFETEA–LU. FTA issued its formal Notice of Proposed Rulemaking ("NPRM") on August 3, 2007. In the NPRM, FTA articulates various proposals for implementing changes to the New Starts and Small Starts programs. The NPRM has raised both Congressional and transit industry concerns. The Administration considers the New Starts/Small Starts rule to be a significant rulemaking and, if finalized, the transit industry will be governed by this rule for a number of years to come. This hearing explored this NPRM in depth, and the Subcommittee heard from witnesses who are working on transit projects and initiatives that would be affected by the rule.

THE FEDERAL SAFE ROUTES TO SCHOOL PROGRAM

On October 2, 2007, the Subcommittee held a hearing on the Safe Routes to School program. The Safe Routes to School program was established in SAFETEA–LU and funded at $612 million over five years. The aims of the program are: to enable and encourage children, including those with disabilities, to walk and bicycle to

school; to make bicycling and walking to school a safer and more appealing transportation alternative, thereby encouraging a healthy and active lifestyle from an early age; and to facilitate the planning, development, and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity of schools.

DOT reports that, in 1969, nearly one-half of U.S. children walked or rode bicycles to school. By 2001, that number had dropped to less than 15 percent. A variety of factors have contributed to this decline, including a lack of adequate infrastructure near schools and in neighborhoods and parental concerns over safety.

The Subcommittee heard from the Kansas Safe Routes to School State Coordinator and officials with the National Center for Safe Routes to School, the Safe Routes to School National Partnership, and the Bicycle Transportation Alliance.

HIGHWAY BRIDGE INSPECTIONS

On October 23, 2007, the Subcommittee held a hearing on highway bridge inspections. The nation's aging bridge inventory is requiring increased maintenance as many reach the end of their intended design life, making proper inspections and monitoring of these bridges is even more important.

Inspection of bridges provides a first line of defense to avoid tragedies like the Minneapolis bridge collapse. Visual observation and other traditional means of observation (such as cleaning and scrapping, chain drags, and use of sounding rods and hammers) remain the primary methods of conducting field tests of bridges elements. However, a study released by the FHWA Destructive Evaluation Center in 2001 raised significant concerns over the reliability of visual inspections. The 2001 report found that visual inspections by 49 trained bridge inspectors from around the country of bridges with identified fatigue problems rarely detected defects.

The Federal-Aid Highway Act of 1968 established the National Bridge Inspection Program ("NBIP") and directed DOT to work with the States to establish national bridge inspection standards. Today, the NBIS require States to conduct routine safety inspections on each bridge at least once every 24 months to determine physical and functional conditions of the bridge.

The Subcommittee reviewed the adequacy of current inspection requirements to assess where improvements are needed. This hearing was held as a follow-up to the Committee's September 5, 2007 hearing on structurally deficient bridges in the United States.

CHICAGOLAND TRANSPORTATION NEEDS FOR THE 2016 OLYMPIC BID

On October 29, 2007, the Subcommittee held a field hearing in Chicago, Illinois, to review Chicagoland's Transportation Needs for the 2016 Olympic Bid. With a population of about eight million people, the Chicago region is the third most populous in the United States after New York and Los Angeles. Commensurate with its size, the Chicago region has a very large, diverse, and mature transportation system. The Chicago urbanized area has 25,000 miles of roads (including 485 miles of freeways), a public transit

network that includes buses, heavy rail, and commuter rail systems, and two major airports. More than 600 million transit trips are provided annually in the Chicago region, the third largest number in the United States.

Transportation issues with staging the Olympic Games are related to a dramatic short-term surge in transportation demand that has the potential to make it difficult to manage the games themselves and difficult to manage the normal functioning of the host city. In 1996, Atlanta, Georgia, the last U.S. city to host the summer Olympic Games, had an estimated two million spectators over 17 days. This was in addition to the 200,000 competitors, team officials, media, organizing committee staff, and 100,000 Atlanta residents working in the immediate vicinity of the sporting venues.

The Subcommittee heard testimony from the President and CEO of Chicago 2016 Committee, State and city transportation officials, and representatives from industry and labor groups.

DRUG AND ALCOHOL TESTING OF COMMERCIAL MOTOR VEHICLE DRIVERS

On November 1, 2007, the Subcommittee held an oversight hearing regarding vulnerabilities in the Drug and Alcohol Testing ("DAT") programs administered by motor carriers. This hearing was held in response to an in-depth, Committee-led review of conditions at facilities that perform urine collections for drug tests regulated by the Department of Transportation.

DOT requires drug and alcohol testing under several conditions: pre-employment, reasonable suspicion, post-accident, random, return-to-duty, and follow-up. The Part 40 DAT rules require a urine drug screen that tests for five drugs: marijuana, opiates, cocaine, amphetamines, and PCP. DOT requires employers of commercial drivers to randomly test 50 percent of their safety sensitive employees each year. In 2005, FMCSA reported an estimated drug-positive rate of 1.7 percent; this is consistent with prior year levels which ranged from 1.6 to 2.0 percent. But because employees are able to defraud drug tests—through products designed to defeat a drug test or other means—it is impossible to quantify the true extent of the problem. This rate has remained relatively unchanged since 1997. While the rate itself is low, the absolute number of drivers testing positive would approach 170,000. Even assuming that one-half of the population of CDL-holders is not active and subject to DAT screening, the absolute number of drug-using drivers would exceed 80,000.

This hearing examined weaknesses in the collection process that could allow drug-using commercial drivers to disguise their drug use and sought to identify the extent to which products manufactured and sold specifically to beat drug tests affect the integrity of the drug testing process. Finally, the hearing explored factors that enable drug-using drivers to continue to operate commercial motor vehicles and potential solutions to the identified weaknesses.

TRANSPORTATION CHALLENGES OF METROPOLITAN AREAS

On April 9, 2008, the Subcommittee held a hearing to receive testimony on the Transportation Challenges of Metropolitan Areas.

According to the Commission report, roughly 60 percent of the population of the U.S. lives in metropolitan areas of more than one million people and another 20 percent live in smaller metro areas. The Commission's report states that the majority of our nation's economic activity is occurring within metro areas, with 60 percent of the value of all U.S. goods and services being generated in urban areas. Further, over 85 percent of our nation's market share of critical transportation infrastructure exists in metro areas. The report makes clear that our economic and social well being depends on the investments that we have made in our metropolitan area transportation infrastructure and services.

Metropolitan areas face significant transportation challenges, such as increasing infrastructure maintenance and investment needs, increasing traffic congestion, meeting environmental compliance goals, planning transportation projects in a coordinated manner, land use and growth issues, and diverse traveler needs. High-quality, multi-modal transportation infrastructure—particularly systems that mitigate congestion, are in a state of good repair, comply with environmental standards, and are well coordinated and planned—is essential to providing the public with reliable travel options to and within metropolitan areas.

The hearing explored the transportation challenges of metropolitan areas and the Federal role in partnering with metro area to address these challenges. This hearing was part of the series of hearings exploring emerging themes in transportation policy and practice, the needs of our national surface transportation system, and the authorization of the next surface transportation act.

FREIGHT MOVEMENT FROM ORIGIN TO DESTINATION

On April 24, 2008, the Subcommittee held a hearing on "Freight Movement from Origin to Destination". The design, organization, capacity, and operation of the nation's surface transportation system to move freight efficiently and reliably to its destination is one of the major issues that the Subcommittee will consider in the next surface transportation program authorization bill.

Advances in logistics have made our nation's roadways real-time warehouses thanks to just-in-time delivery, which builds greater efficiencies and cost savings into the system by allowing businesses to order parts and inventory stock in smaller batches. The growth in congestion on the nation's roadways threatens these efficiency gains. According to the Council of Supply Chain Management Professionals, between 2004 and 2005, after 17 years of decline, total logistics costs for U.S. companies increased by $156 billion. Transportation accounts for $744 billion of the $1.18 trillion in total logistics costs. The largest portion of the transportation cost is for truck transportation. The logistics cost relating to intercity trucking reached $394 billion in 2005, up from $335 billion a year earlier. Total logistics costs accounted for 9.5 percent of the Gross Domestic Product in 2005, up from 8.8 percent in 2004.

Many segments of the nation's transportation network are currently operating at or near capacity. With future trade volumes expected to more than double across all modes, it is imperative that we develop a strategy and identify the resources to finance the development of the intermodal system that meets these needs. For

the United States to remain competitive in the global marketplace, its surface transportation system must be constantly upgraded and renewed so that it continues to meet the evolving logistics demands.

As trade patterns evolve, entirely new trade corridors may need to be developed or existing ones modified or expanded. For instance, the sharp rise in goods imported from China and other Asian countries in recent years has put the performance of West Coast ports, their connections to more inland transportation networks, and the overall surface transportation system to the test.

Rather than only looking at the issue of freight movement through specific points on the surface transportation system, such as major metropolitan areas or major freight bottlenecks, this hearing looked at the entire trip necessary to move freight from the point of origin to final destination, and assessed the variety of intermodal infrastructure required to complete freight delivery most efficiently. This hearing was another in a series of hearings as part of the Subcommittee's effort to prepare for the authorization of the next surface transportation act.

RISING DIESEL FUEL COSTS IN THE TRUCKING INDUSTRY

On May 6, 2008, the Subcommittee held an oversight hearing on the causes of rising diesel fuel costs and the impact of this trend on the trucking industry.

The retail price of a gallon of gasoline has increased 25 percent between March 2007 and March 2008; 41 percent over the last three years; and 102 percent since 2003. By comparison, a gallon of diesel fuel rose 48 percent in the past year; 78 percent in the last three years; and 166 percent since 2003. This sharp increase has placed an extreme burden on the trucking industry. Every one-cent increase in the price of diesel fuel translates to an annual additional cost of $391 million to the trucking industry. It costs nearly $800 more for a driver to fill a standard tractor-trailer than five years ago. In addition to impacts on trucking firms and drivers, the increased cost of transporting goods to market has had a significant effect on the price of many consumer goods. The Subcommittee heard testimony from representatives from the trucking industry, shippers, and property brokers about the impacts of rising diesel prices.

The Subcommittee also examined the relationship among motor carriers, brokers, shippers, and independent drivers with respect to setting and collecting fuel surcharges. Given the sharp rise in the cost of transporting goods by truck, many motor carriers, brokers, and independent drivers are assessing fuel surcharges on shippers in order to haul their goods. A fuel surcharge is an additional charge above the standard rate to haul freight that is meant to cover the cost of an increase in the price of fuel. Fuel surcharges became prevalent in the trucking industry during the period of fuel price spikes in the 1970s, and have generally continued since then when fuel prices rise.

Trucking fuel surcharges are not fixed and are not regulated by any Federal entity. The amount of the fuel surcharge is determined by formulas set by an individual motor carrier or other entity arranging for or providing the transportation. Independent owner-op-

erators raised concerns at the hearing over the lack of transparency and imperfect information in transactions with motor carriers, and particularly with freight brokers, with respect to fuel surcharges. These drivers argue that lack of disclosure requirements makes it difficult to verify whether the fuel surcharge is actually being passed on to those paying the higher price at the pump.

MAINTAINING OUR NATION'S HIGHWAY AND TRANSIT INFRASTRUCTURE

On June 5, 2008, the Subcommittee held a hearing on the investment levels and Federal policies necessary to maintain the nation's existing highway and transit infrastructure to a state of good repair. Maintaining the nation's surface transportation infrastructure is critical to ensuring that these assets will remain safe and reliable in the future. The limited resources available to maintain and improve the condition and performance of the system have forced the agencies responsible for constructing, operating and maintaining the network to make difficult choices between system expansions and ongoing maintenance costs.

Surface transportation assets have limited life spans. Currently, many segments of the nation's transportation infrastructure are reaching or exceeding their useful design life. One-half of all bridges in the United States were built before 1964. According to the Department of Transportation's 2006 Conditions and Performance ("C&P") report, the average age of urban light rail cars is 14.8 years, commuter rail passenger coaches have an average age of 20.1 years, and 48 percent of urban buses maintenance facilities are more than 21 years old.

Addressing this situation will require significant investment, as well as innovative management and preservation techniques. The National Surface Transportation Policy and Revenue Study Commission's ("Commission") report, Transportation for Tomorrow, identified the deterioration from aging and use as "one of the greatest threats to the Nation's surface transportation network." According to the C&P report, the average annual investment needed to cover the "Cost to Maintain" scenario is projected to be $78.8 billion per year from all sources from 2005 to 2024, an increase of 2.3 percent over the projections made in the DOT's 2004 C&P report.

This hearing continued the series of hearings in the Subcommittee's effort to prepare for the authorization of the next surface transportation bill under SAFETEA–LU. The Subcommittee heard testimony from state departments of transportation, public transit agencies and other public entities responsible for maintaining transportation infrastructure.

CONNECTING COMMUNITIES: THE ROLE OF THE SURFACE TRANSPORTATION NETWORK IN MOVING PEOPLE AND FREIGHT

On June 24, 2008, the Subcommittee held a hearing on the role of the surface transportation network in connecting the nation and facilitating passenger and freight mobility and access. Small urban and rural America is home to 56 million residents in 2,303 nonmetropolitan counties, as well as 35 million more residents living

in rural settings on the fringes of metropolitan areas. With over 82 percent of the nation's communities solely dependent on trucking for the delivery of goods and commodities, roadways classified as rural are an integral part of the nation's surface transportation network.

Public transportation is available in approximately 60 percent of all rural counties nationwide although 28 percent of those counties have very limited service. In many smaller communities, with both longer distances between built-up areas and low population densities, transit can help bridge the spatial divide between people and jobs, services, and training opportunities. The Commission report concluded that public transportation in rural areas is vital to providing access to essential human services for those who do not have access to automobiles. Unfortunately, many rural areas lack public transportation services entirely. In those communities that do have rural transit systems, the services provided vary widely among states and regions of the country.

The Subcommittee received testimony from two Secretaries of Transportation from largely non-urbanized States, a General Manager of a small urban transit agency, a Director of State Government affairs for a busing company, an Executive Director for a regional planning agency, and an Executive Director for a paratransit provider. This hearing was part of the Subcommittee's effort to prepare for the authorization of the next surface transportation act.

TRUCK WEIGHTS AND LENGTHS: ASSESSING THE IMPACTS OF EXISTING LAWS AND REGULATIONS

On July 9, 2008, the Subcommittee held a hearing on Federal laws governing truck weights and lengths.

The existing framework of laws and regulations governing minimum and maximum weights and lengths for trucks is a complex set of Federal standards that apply to the Interstate Highway System and the National Network, a system of approximately 209,000 miles of roads specifically designated in Federal regulations. Federal law sets minimum and maximum standards for weight, and only minimum standards for length. There are numerous exceptions to these Federal standards that States have the authority to exercise, through statutory exemptions and grandfather rights. In addition, States also have the authority to issue permits to exempt trucks from Federal laws on the Interstate Highway System and National Network, the parameters, requirements, and costs of which vary from State to State. Beyond the Interstate Highway System and National Network, States have the ability to set their own size and weight limitations on all other roads.

Subcommittee Members heard testimony from the Federal Highway Administration, representatives from State Departments of Transportation, local officials, and representatives of the trucking industry, shippers, safety groups, commercial vehicle law enforcement, the agricultural community. These witnesses discussed the origins of size and weight laws, implementation of Federal law at the State level, enforcement issues, and the impact of the existing regulatory framework on the nation's highway and bridge infrastructure, safety, and on interstate commerce.

IMPROVING ROADWAY SAFETY: ASSESSING THE EFFECTIVENESS OF NHTSA'S HIGHWAY TRAFFIC SAFETY PROGRAMS

On July 16, 2008, the Subcommittee held a hearing on the effectiveness of the National Highway and Traffic Safety Administration's highway safety programs in addressing roadway safety. According to the Commission report, highway travel accounts for 94 percent of the fatalities and 99 percent of the injuries on the Nation's surface transportation system. In 2006, 42,642 people lost their lives and more than 2.6 million people were injured in motor vehicle crashes. Motor vehicle crashes are the leading cause of death and disability for American ages 2 through 34. According to NHTSA, the 6.2 million motor vehicle crashes cost an estimated $230.6 billion related to deaths, injuries, property damage, productivity losses, medical bills, and other related costs.

NHTSA has established a fatality rate goal of 1.35 deaths per 100 million vehicle miles traveled ("VMT") in FY 2009, reducing to 1.0 per 100 million VMT by 2011. According to the Commission, a fatality rate of 1.0 per 100 million VMT would reduce total highway fatalities to just over 30,000 annually. While the fatality rate has been reduced from 5.5 fatalities per 100 million in 1966 to 1.42 per 100 million VMT in 2006, the number of fatalities has remained relatively flat, ranging between 42,000 and 43,000 over the past 10 years.

The Federal government's leadership role in improving highway safety began with the enactment of the Highway Safety Act of 1966, which created the Federal, state and local partnership to carry out behavioral highway safety programs. Highway safety programs are administered primarily by NHTSA and funded through the Highway Trust Fund. NHTSA's behavioral highway safety programs are intended to reduce fatalities, injuries, and economic losses resulting from motor vehicle crashes. These programs provide grants to states to implement highway safety programs. States allocate grant funds to local government agencies and nonprofit organizations to implement behavioral highway safety programs and enforcement activities.

The Subcommittee heard testimony from the NHTSA Deputy Administrator, GAO, a state highway safety administrator, and organizations and individuals working to improve highway safety. The witnesses discussed the challenges in implementing existing programs, and gave their recommendations for strengthening and improving Federal behavioral highway safety programs. This hearing was part of the Subcommittee's effort to prepare for the authorization of the next surface transportation act.

TRANSPORTATION PLANNING

On September 18, 2008, the Subcommittee held a hearing on the transportation planning process to discuss ways for improving and promoting long term planning and the coordination among various jurisdictions. Today's transportation challenges often have impacts beyond state and local borders. Congestion in and around our nation's largest ports prevents imported goods from being delivered in a timely manner across the country. Railroad congestion in the

Chicago area will impact goods being shipped from California to New York.

State Departments of Transportation and, in metro areas with populations above 50,000, metropolitan planning organizations ("MPOs") conduct the transportation planning process. All highway and transit projects seeking federal funding must be included in the regional long-range transportation plan, the short-term transportation improvement plan ("TIP"), and the approved Statewide Transportation Improvement Program ("STIP").

MPOs are charged with developing Metropolitan Transportation Plans and TIPs. The Metropolitan Transportation Plan reflects the long-range intermodal vision for the metropolitan planning area. The TIP is a four-year project-specific document. The TIP is updated at least every four years. The projects contained in the TIP are to be consistent with the metropolitan transportation plan.

This hearing allowed Subcommittee members to explore the role of planning in creating a cohesive and forward-thinking transportation network. The Subcommittee received testimony from the mayor of a large city, a Deputy Secretary for Transportation Planning for a State department of transportation, an Executive Director and a Transportation Director for two different metropolitan planning organizations, a Planning Director for a mid-size city, and the Chair of the Executive Board of a multi-state transportation coalition. This hearing was part of the Subcommittee's effort to prepare for the authorization of the next surface transportation act.

Member Briefings

On March 15, 2007, the Subcommittee held a Member roundtable to discuss the latest issues and programs focused on promoting the use of bicycling as a mode of transportation.

On July 31, 2007, the Subcommittee held a briefing for Members to discuss issues related to an alleged plan to build a NAFTA Superhighway between the three participating nation's in NAFTA.

On May 21, 2008, the Subcommittee held a briefing for Members to review the findings of a Government Accountability Office investigation of drug and alcohol testing of commercial motor vehicle drivers.

On July 23, 2008, the Subcommittee held a briefing for Members to discuss future alternatives being examined as possible replacements for the current motor fuel excise tax. Members received updates from two pilot programs: one being conducted by the Oregon DOT, which just concluded its first phase, and the other from Iowa State University, which receive funding in SAFETEA–LU and was just beginning operations.

On September 25, 2008, the Subcommittee held a briefing for Members to discuss advancements in Intelligent Transportation Systems ("ITS") and potential uses for ITS within the nation's transportation system. Members participated in demonstrations of a variety of ITS technologies.

SUMMARY OF ACTIVITIES FOR THE SUBCOMMITTEE ON RAILROADS, PIPELINES, AND HAZARDOUS MATERIALS

During the 110th Congress, the Subcommittee on Railroads, Pipelines, and Hazardous Materials, chaired by Representative Corrine Brown, with Representative Bill Shuster serving as Ranking Member, held 18 hearings (129 witnesses and approximately 56 hours), covering the breadth of issues within the jurisdiction of the Subcommittee.

The Committee on Transportation and Infrastructure developed major legislation, H.R. 2095, the "Federal Railroad Safety Improvement Act of 2007", and H.R. 6003, the "Passenger Rail Investment and Improvement Act of 2008". The Federal rail safety program had not been reauthorized since 1994; it expired in 1998. Amtrak had not been reauthorized since 1997; it expired in 2002. The Committee reported H.R. 2095 favorably to the House on September 19, 2007. The House passed the bill (377–38) on October 17, 2007. The Committee reported H.R. 6003 favorably to the House on June 5, 2008. The House passed the bill (311–104) on June 11, 2008. The House and Senate negotiated a final bill, which combined H.R. 2095 and H.R. 6003. The President signed the bill into law on October 16, 2008 (P.L. 110–432).

The following bills and resolutions were enacted in the 110th Congress:

Public Law 110–432, Division A, the Rail Safety Improvement Act of 2008;

Public Law 110–432, Division B, the Passenger Rail Investment and Improvement Act of 2008; and

H. Res. 1176, supporting the goals and ideals of National Train Day.

Other bills and resolutions that passed the House include:

H.R. 6003, the "Passenger Rail Investment and Improvement Act of 2008"; and

H. Con. Res. 408, recognizing North Platte, Nebraska, as "Rail Town USA".

In addition, on July 18, 2008, the House considered H.R. 6515, the "Drill Responsibly in Leased Lands Act of 2008", under suspension of the Rules and the bill failed (244–173) to receive the necessary two thirds vote. It was later included in H.R. 6899, the "Comprehensive American Energy Security and Consumer Protection Act", which was considered by the House on September 16, 2008, and passed by a vote of 236–189.

On September 26, 2008, the Committee reported H.R. 6707, the "Taking Responsible Action for Community Safety Act", favorably to the House. On September 27, 2008, the bill was considered under suspension of the Rules and failed (243–175) to receive the necessary two thirds vote. No further action was taken on the legislation.

Public Laws and House Resolutions

RAIL SAFETY IMPROVEMENT ACT OF 2008

Public Law 110–432, Division A

(H.R. 2095)

October 16, 2008

The Rail Safety Improvement Act of 2008 (P.L. 110–432, Division A) reauthorizes the Federal Railroad Administration ("FRA") and provides a total of $1.625 billion for our nation's rail safety program for fiscal years 2009 through 2013. The authorization of the rail safety program expired a decade ago, in 1998.

The law clarifies that the mission of the FRA is to ensure that safety is the highest priority; creates a new position of Chief Safety Officer; requires the Secretary of Transportation to develop a long-term strategy for improving rail safety, which must include an annual plan and schedule for, among other things, reducing the number and rates of accidents, injuries, and fatalities involving railroads; and requires the Secretary to report annually on the Department's progress in implementing unmet statutory mandates and open safety recommendations by the Department of Transportation's Inspector General and the National Transportation Safety Board ("NTSB").

The legislation implements a number of long-standing NTSB safety recommendations by requiring all Class I railroads and intercity passenger and commuter railroads to install a positive train control ("PTC") system by December 31, 2015, on all main-line track where intercity passenger railroads and commuter railroads operate and where toxic-by-inhalation hazardous materials are transported; reforming hours-of-service standards to provide train crews with more rest time; requiring Class I railroads to provide emergency escape breathing apparatus for all crewmembers on freight trains carrying hazardous materials; and strengthening track and grade crossing safety.

The law also enhances railroad worker training; prohibits railroads from denying, delaying, or interfering with the medical treatment of injured workers; increases civil penalties for certain rail safety violations; enhances bridge and tunnel safety; establishes a program at the NTSB to assist victims and their families involved in a passenger rail accident, modeled after a similar aviation disaster program; and ensures that state governments are able to protect their citizens against environmental hazards, such as noxious fumes or leaks into groundwater, which could result from operation of a waste processing facility by a railroad.

PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2008

Public Law 110–432, Division B

(H.R. 2095)

October 16, 2008

The Passenger Rail Investment and Improvement Act of 2008 (P.L. 110–432, Division B) reauthorizes Amtrak and provides a total of $13.06 billion over five years to help bring the Northeast Corridor to a state-of-good-repair, and encourage the development of new and improved intercity passenger rail service through a Federal-State matching grant program. It also provides $1.5 billion for the planning and development of high-speed rail corridors.

Specifically, over five fiscal years, the law authorizes $5.315 billion for capital grants and $2.949 billion for operating grants to Amtrak. Past inconsistent Federal support has hampered Amtrak's ability to replace catenaries, passenger cars, bridges, ties, and other equipment necessary for Amtrak to provide service. These capital grants will help bring the Northeast Corridor to a state-of-good-repair, and allow Amtrak to procure new rolling stock, rehabilitate existing bridges, and make additional capital improvements on its entire network. In addition, the operating grants authorized under the bill will help Amtrak pay salaries, health costs, overtime pay, fuel costs, facilities, and train maintenance and operations. These operating grants will also ensure that Amtrak can meet its obligations under its recently negotiated labor contract.

In an effort to encourage the development of new and improved intercity passenger rail services, the legislation creates a new State Capital Grant program for intercity passenger rail projects. The law provides $1.9 billion over five years for grants to States to pay for the capital costs of facilities and equipment necessary to provide new or improved intercity passenger rail. Out of these funds, $325 million is reserved for grants to States and to Amtrak for projects that increase capacity along certain rail lines in order to reduce congestion and facilitate ridership growth.

The legislation also authorizes $1.5 billion over five years for grants to States and/or Amtrak to finance the construction and equipment for 11 authorized high-speed rail corridors. In addition, the Act requires the Secretary of Transportation to issue a request for proposals for projects for the financing, design, construction, and operation of ten Federally-designated high speed rail corridors and the Northeast Corridor. Proposals would need to meet certain financial, labor, and planning criteria, as well as a detailed description to account for any impacts on existing passenger, commuter, and freight rail traffic to be considered. If the Secretary receives a qualifying proposal, he is directed to form a Commission to study any proposals received. The Secretary would issue a report to Congress on the Commission's findings and his recommendations for each of the corridors. Any further action on a proposal would need legislative approval by Congress.

Finally, the Act authorizes $1.5 billion for fiscal years 2009 through 2019 for capital preventive maintenance grants for the Washington Metropolitan Area Transit Authority, and includes a

number of measures to reform Amtrak's operations and Amtrak's financial and accounting procedures; improve Amtrak's on-time performance; reduce Amtrak's debt; and resolve disputes between commuter and freight railroads. The Act also extends the number of years a recipient of a Railroad Rehabilitation and Improvement Financing ("RRIF") loan could have to repay the loan from 25 years to 35 years. These loans will help railroads, States, government-sponsored authorities, and shippers improve capacity. Funding from the RRIF program can also be used to develop intercity and high-speed rail systems and purchase and install positive train control systems.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL TRAIN DAY

(H. Res. 1176)

May 14, 2008

H. Res. 1176 recognizes the House of Representatives' support for National Train Day and the contribution that trains make to the national transportation system. May 10, 2008 is designated as National Train Day because it marked the 139th anniversary of the "golden spike" being driven into the final tie at Promontory Summit, Utah, to complete the first transcontinental railroad.

Other Legislation

PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2008

(H.R. 6003/S. 294)

Passed the House on June 11, 2008

H.R. 6003, the "Passenger Rail Investment and Improvement Act of 2008", authorizes $14.4 billion for Amtrak capital and operating grants, state intercity passenger rail grants, and high speed rail grants over five years (FY2009–FY2013). Major provisions of the bill include increasing investment in Amtrak by authorizing an average of $840 million per year to Amtrak for capital grants and an average of $606 million per year for operating grants. H.R. 6003 also authorizes $345 million per year to assist Amtrak with its debt service. This funding will allow Amtrak to focus its resources on improving existing services and making additional capital and operational improvements.

The bill also authorizes $500 million per year for grants to States to pay for the capital costs of facilities and equipment necessary to provide new or improved intercity passenger rail service. It authorizes $350 million per year for grants to States and to Amtrak to finance the construction and development of the nation's 11 high-speed rail corridors. For grants made under the State grant program and the high-speed rail development program, the Federal government may provide up to 80 percent of the total cost of the project. The bill also provides Federal funding to alleviate "choke points" that suffer from poor service reliability and on-time performance due to freight traffic congestion. It also directs the Secretary of the Department of Transportation to issue a request for

proposals for projects for the financing, design, construction, and operation of an initial high-speed rail system operating between Washington, DC, and New York City in less than two hours. Finally, H.R. 6003 establishes a forum at the Surface Transportation Board to help complete stalled commuter rail negotiations, which will help our nation's rail network operate as efficiently as possible.

On June 11, 2008, the House passed H.R. 6003 by a vote of 311–104. The bill was subsequently included in H.R. 2095, the Rail Safety Improvement Act of 2008 (P.L. 110–432, Division B).

DRILL RESPONSIBLY IN LEASED LANDS ACT OF 2008

(H.R. 6515)

Passed the House on September 16, 2008

H.R. 6515, the "Drill Responsibly in Leased Lands Act of 2008", amends the Naval Petroleum Reserves Production Act of 1976 to direct the Secretary of the Interior to conduct an oil and gas competitive leasing program in the National Petroleum Reserve, Alaska, that includes at least one lease sale each year during the period 2009 through 2013. The bill instructs the Secretary of Transportation to: (1) facilitate pipeline construction to transport oil and gas from or through the National Petroleum Reserve in Alaska to existing transportation or processing infrastructure on the North Slope of Alaska; and (2) require certain authorized pipeline operators to certify annually that the pipeline is being fully maintained and operated in an efficient manner.

The bill further directs the President to coordinate with oil and natural gas producers on the North Slope of Alaska, and other specified entities, to expedite construction of a natural gas pipeline from Alaska to U.S. markets.

On July 18, 2008, the House considered the bill under suspension of the Rules and the bill failed (244–173) to receive the necessary two-thirds vote. It was later included in H.R. 6899, the "Comprehensive American Energy Security and Consumer Protection Act", which was considered by the House on September 16, 2008, and passed by a vote of 236–189.

RECOGNIZING NORTH PLATTE, NEBRASKA, AS "RAIL TOWN USA"

(H. Con. Res. 408)

Passed the House on September 18, 2008

H. Con. Res. 408 recognizes North Platte, Nebraska, as "Rail Town USA". North Platte is home to Union Pacific's Bailey Yard, the largest rail classification yard in the world, handling 10,000 railroad cars each day.

TAKING RESPONSIBLE ACTION FOR COMMUNITY SAFETY ACT

(H.R. 6707)

Reported Favorably to the House on September 26, 2008

H.R. 6707, the "Taking Responsible Action for Community Safety Act", enables the Surface Transportation Board ("STB") to thoroughly consider the public interest when evaluating a proposed railroad merger or consolidation that includes at least one Class I railroad. Under current law, the STB is required to approve all mergers and consolidations between a Class I railroad and a Class II or Class III railroad unless the Board finds that the merger is likely to cause a substantial lessening of competition, create a monopoly, or restrain trade in freight surface transportation in any region of the United States; and that the anticompetitive effects of the transaction outweigh the public interest in meeting significant transportation needs.

Specifically, the bill requires the STB to consider, in a merger or consolidation proceeding, the safety and environmental effects of the proposed transaction, including the effects on local communities, such as public safety, grade crossing safety, hazardous materials transportation safety, emergency response time, noise, and socioeconomic impacts. It also requires the STB to consider the effects of the proposed transaction on intercity passenger rail and commuter rail.

The bill prohibits the STB from approving or authorizing a merger or consolidation if it finds that the transaction is inconsistent with the public interest because the transaction's impacts on safety and on all the affected communities outweigh the transaction's benefits. Further, the bill authorizes the STB to impose conditions to mitigate the effects of the transaction on local communities when such conditions are in the public interest.

On September 26, 2008, the Committee reported H.R. 6707 favorably to the House. On September 27, 2008, the bill was considered under suspension of the Rules and failed (243–175) to receive the necessary two-thirds vote. No further action was taken on the legislation.

Hearings

The Subcommittee on Railroads, Pipelines, and Hazardous Materials held 18 hearings (129 witnesses and approximately 56 hours).

REAUTHORIZATION OF THE FEDERAL RAIL SAFETY PROGRAM

On January 30, 2007, the Subcommittee held a hearing on the Federal rail safety program and to discuss proposals for reauthorization of the Federal Railroad Administration ("FRA"). The FRA administers the Federal rail safety program. The FRA was created in 1966 by the Department of Transportation Act, when all safety responsibilities of the Interstate Commerce Commission were transferred to the DOT.

The FRA was last reauthorized by the Federal Railroad Safety Authorization Act of 1994; that authorization expired in 1998. One of the main responsibilities of the FRA is to promulgate and en-

force rail safety regulations. It also conducts research and development in support of improved rail safety. In addition, the FRA has a number of responsibilities relating to rail security, including assessing civil and criminal penalties for actions that impair or impede the operation of railroad equipment. The FRA has the authority to issue regulations and orders pertaining to rail safety and security and to issue civil and criminal penalties to enforce those regulations and orders. Under current law, all laws, regulations, and orders related to rail safety and security must be nationally uniform to the extent practicable. A State may adopt or continue in force a law, regulation, or order related to rail safety or security until the Secretary of Transportation or the Secretary of Homeland Security prescribes a regulation or issues an order covering the subject matter of the State requirement. The FRA relies on 421 Federal safety inspectors and 160 State safety inspectors to monitor the railroads' compliance with federally mandated safety standards.

At the hearing, the Administrator of the FRA testified that the railroad industry's overall safety record has improved during recent decades, and most safety trends are heading in the right direction. The Administrator testified that the FRA has undertaken a number of initiatives to improve rail safety, including the National Rail Safety Action Plan; a rulemaking to federalize core railroad operating rules governing the handling of track switches, leaving cars in the clear, and shoving cars; deployment of new track inspection vehicles; and development of positive train control technology. The Vice Chairman of the National Transportation Safety Board ("NTSB") testified that the NTSB continues to have concerns with several aspects relating to rail safety, including railroad fatigue, the transportation of hazardous materials in tank cars, and positive train control. The Department of Transportation Inspector General testified that it would like to see two key issues addressed in FRA reauthorization: (1) improving grade crossing safety through better compliance with safety regulations and by working with States, and (2) identifying safety trends through data analysis. The Government Accountability Office ("GAO") testified that based on a recent report on the FRA's overall safety oversight strategy, it recommended that FRA (1) put into place measures of the results of its inspection and enforcement program; and (2) evaluate its enforcement program.

REAUTHORIZATION OF THE FEDERAL RAIL SAFETY PROGRAM (PT. II)

On January 31, 2007, the Subcommittee reconvened to continue receiving testimony on the Federal rail safety program and to discuss proposals for reauthorization of the FRA.

The President and Chief Executive Officer of the Association of American Railroads ("AAR") testified in support of the Committee adopting performance-based, as opposed to design-based, standards in any reauthorization that addressed workplace safety regulation. The President of AAR also stated that the overall railroad industry safety record is excellent, reflecting the extraordinary importance railroads place on the safety of their employees and the communities they serve. The President of the Transportation Trades Department, AFL–CIO, testified that safety in the railroad industry

has deteriorated in recent years and urged the Subcommittee to reauthorize the FRA in order to improve rail safety. He also urged the Subcommittee to adopt legislation that improved whistleblower protections; mandated minimum training standards, and methods to ensure that training programs are appropriate and effective; revise the hours of service statute to ensure workers obtain adequate rest; eliminate limbo time; and adopt new rail safety technologies. The President of the Teamsters Rail Conference testified that any reauthorization should include increased employee protections; address rail worker fatigue by counting limbo time as time on duty; require ten-hour calling times to ensure proper rest; ensure appropriate staffing; address dark territory; and eliminate camp cars. Finally, the American Association for Justice testified that the Subcommittee should adopt an amendment to clarify the preemption clause in the Federal Rail Safety Act ("FRSA"), making it clear that any uniform standards established by the FRA pursuant to the FRSA are minimum standards.

FATIGUE IN THE RAIL INDUSTRY

On February 13, 2007, the Subcommittee held a hearing on fatigue in the rail industry.

The FRA reports that human factors are responsible for nearly 40 percent of all train accidents, and a new study confirms that fatigue plays a role in approximately one out of four of those accidents.

The hours of service law, which was originally enacted in 1907, and substantially amended in 1969, deals only with acute fatigue, not with cumulative fatigue. The law permits working 11 hours and 59 minutes followed by eight hours off duty and another 11 hours and 59 minutes on duty, perpetually. This kind of "backward-rotating shift" can wreak havoc on an employee's circadian rhythm.

In addition, the law does not address "limbo time", which is the time when a crew's working assignment was finished and they are waiting for transport back to their homes. During limbo time, crewmembers are required to stay awake, alert, and able to respond to any situation and follow the railroad's operating rules, which means that crews are regularly on the job for 15 to 20 hours at a time.

On numerous occasions, the Department of Transportation ("DOT") has formally submitted legislation to reform the hours of service law, supplement it with fatigue management requirements, or authorize the FRA to prescribe regulations on fatigue in light of current scientific knowledge. Currently, the statute contains no substantive rulemaking authority over duty hours. The FRA's lack of regulatory authority over duty hours, unique to FRA among all the safety regulatory agencies in the Department, precludes FRA from making use of almost a century of scientific learning on the issue of sleep-wake cycles and fatigue-induced performance failures. Despite the need for reform to address fatigue, no action has been taken.

At the hearing, the Administrator of the FRA testified that the Department of Transportation should have the regulatory authority to replace the hours of service laws with scientifically-based regula-

tions, after first seeking consensus recommendations from the agency's Railroad Safety Advisory Committee. The Chairman of the NTSB testified that the Hours of Service Act was antiquated and should be revised. Additionally, the Chairman of the NTSB observed that in the past two decades, the Safety Board has issued 33 recommendations specific to railroad employee fatigue. The President of the AAR urged caution for any revisions to the Hours of Service Act. The Director of Regulatory Affairs for the Brotherhood of Locomotive Engineers and Trainmen urged the Subcommittee to pass common sense legislation enabling the FRA to affirmatively and aggressively regulate fatigue in our industry.

TRANSIT AND RAIL SECURITY

On March 7, 2007, the Subcommittee on Highways and Transit and the Subcommittee on Railroads, Pipelines, and Hazardous Materials held a joint hearing to examine current issues in transit and rail security, including the roles and responsibilities of the Department of Homeland Security, the Federal Transit Administration, and the Federal Railroad Administration; the state of preparedness in the transit, rail, and over-the-road bus industries; and Federal programs and activities that help meet the security needs and funding priorities for mitigation of security threats against the Nation's transit, rail, and over-the-road bus systems.

Throughout the world, transit and rail systems have long been targets of terrorist attacks, causing thousands of deaths and injuries. Transit and rail systems are popular targets of terrorist attacks worldwide. From 1991 to 2001, 42 percent of all terrorist incidents were carried out on rail systems or buses. Certain characteristics of domestic and foreign passenger rail systems make them inherently vulnerable to terrorist attacks and therefore difficult to secure, according to the GAO. By design, rail systems are open, have multiple access points, are hubs serving multiple carriers, and in some cases, have no barriers so that they can move a large number of people or freight quickly. In contrast, the U.S. commercial aviation system is housed in closed and controlled locations with few entry points. Transit and rail systems have open access with stops and transfer points and are thus difficult to protect. In addition, high volume (passengers and freight), expensive infrastructure, economic importance, and location make them attractive targets for terrorists because of the potential for mass casualties, economic damage, and disruption. Balancing the potential economic impact of security enhancements with the benefits of such measures is a difficult challenge.

At the hearing, the President of AAR testified that the railroads should have access to pertinent intelligence information in creating their security plans, and remain in constant communication with the Transportation Security Administration ("TSA"), the Department of Defense, and the Department of Transportation. The Government Accountability Office recommended that TSA complete risk assessments, develop rail security standards based on best practices, and consider implementing practices used by foreign rail operators. The Amtrak Inspector General recommended that security standards and best practices be fully developed before promulgating security regulations and to ensure linkage between security

and safety. Labor testified that Congress should mandate security training for workers.

ROLE ON HUMAN FACTORS IN RAIL ACCIDENTS

On March 16, 2007, the Subcommittee held a field hearing in San Antonio, Texas, to receive testimony on the role of human factors in rail accidents.

According to the FRA, there were 2,835 train accidents in 2006 (excluding grade crossing collisions), which resulted in six fatalities and 172 injuries. Twelve percent of these train accidents, or 342 of the 2,835 accidents, occurred in Texas—the highest number of train accidents among all of the States.

The FRA organizes the causes of train accidents into five categories: human factors; track and structures; equipment; signal and train control; and miscellaneous. Human factors and track defects consistently rank as the top two causes of all train accidents. According to the FRA, almost 40 percent of all train accidents are the result of human factors. Since 1994, when Congress last reauthorized the FRA, the number of train accidents caused by human factors has increased from 911 in 1994 to 1,000 in 2006. In 2006, 129 of the 342 train accidents that occurred in Texas were the result of human factors; 132 train accidents were caused by track defects.

The top five most common human factors causes for accidents are: improperly lined switches; absence of an employee on, at, or ahead of a shoving movement; failure to control a shoving movement; switch previously run through; failure to secure a hand brake; and cars left afoul. All of these accident causes were contributing factors in a series of accidents that occurred in Texas and across the U.S. over the last decade.

At the hearing, witnesses discussed accidents in Texas involving human factors, which resulted in hazardous materials releases, and a number of fatalities and injuries. Local witnesses urged the Subcommittee to consider mandating re-routing trains carrying hazardous materials, including those that are toxic-by-inhalation, around major metropolitan areas, such as San Antonio. The NTSB testified that the accidents would have been preventable had the railroads installed a positive train control system. The NTSB recommended that the Subcommittee mandate installation of PTC in the rail safety bill and address the issue of fatigue.

INTERNATIONAL HIGH-SPEED RAIL SYSTEMS

On April 19, 2007, the Subcommittee held a hearing to examine international high-speed rail systems. High-speed rail is a form of rail transport, commonly defined as electronically propelled trains that operate at speeds exceeding 150 miles per hour (mph), with many trains testing at speeds in excess of 320 mph. At high speeds, trains must be completely grade separated, meaning there are no at-grade crossings with roads or other modes of transportation. The tracks are fenced to prevent intrusion, and the trains must run on dedicated alignments with few stops to maximize performance. High-speed trains also must have sophisticated, modern signaling and automated train control systems.

High-speed rail transportation is widely used in France, Germany, Great Britain, Spain, Italy, Japan, China, South Korea, Sweden, and the Netherlands. By comparison, the only American line that can approach the speeds of the European and Asian high-speed rail systems is Amtrak's Acela line, which operates between Washington, DC, and Boston, Massachusetts. The Acela is capable of achieving speeds of up to 135 mph between Washington, DC, and New York, New York, and 150 mph between New York and Boston, but usually averages considerably less than that (82 mph and 66 mph, respectively), largely due to congestion and track conditions.

Witnesses appearing at the hearing testified on behalf of France, Japan, China, Spain, and the International Railway Association. Witnesses stated the reason for high-speed rail's success is due to a number of factors, including their governments' willingness to invest significant public funds to develop high-speed rail and to make rail a fierce competitor to other modes. The witnesses also testified to the benefits of high-speed rail, including job creation and environment benefits.

RAIL SAFETY LEGISLATION

On May 8, 2007, the Subcommittee held a hearing on pending rail safety legislation.

The FRA administers the Federal rail safety program, which was last reauthorized in 1994; that authorization expired in 1998. Following the previous reauthorization, the Subcommittee and its predecessor subcommittees have held 22 hearings on rail safety.

On May 2, 2007, Chairman James L. Oberstar and Subcommittee Chairwoman Corrine Brown introduced H.R. 2095, the "Federal Railroad Safety Improvement Act of 2007". H.R. 2095 is a four-year reauthorization for the Federal rail safety program. It requires the Secretary to develop a long-term strategy for improving railroad safety; strengthens hours-of-service for signalmen and train crews by increasing rest time and eliminating limbo time; requires railroads to remove and maintain clear from its right-of-way at all grade crossings all vegetation that may obstruct the view of pedestrians and motor vehicle operators for a reasonable distance in either direction; requires all railroads and States to report information on grade crossings to the Secretary to enable the Secretary to update the DOT's grade crossing inventory; increases the ceiling for civil penalties for general railroad safety violations, accidents and incident violations, and hours-of-service violations; requires Class I railroads to implement positive train control systems by December 31, 2014; requires the Secretary to issue a regulation requiring railroads to manage the rail in their tracks to minimize accidents due to internal rail flaws; and requires the Secretary to establish minimum training standards for each craft of railroad employees.

At the hearing, the Administrator of the FRA urged the Subcommittee to adopt H.R. 1516, the Administration's alternative to H.R. 2095. The President of the Transportation Trades Department, AFL–CIO supported H.R. 2095, including the provisions requiring prompt medical attention for rail workers and stronger whistleblower protections. The Teamsters Rail Conference and the

United Transportation Union stated that nothing is more important to improving rail safety than the provisions in H.R. 2095 relating to worker fatigue. However, the President of the AAR expressed a number of concerns with H.R. 2095, including the provisions that dealt with worker fatigue, limbo time, and positive train control.

AMTRAK STRATEGIC INITIATIVES

On June 12, 2007, the Subcommittee held a hearing to review Amtrak's fiscal year ("FY") 2008 Strategic Plan ("Plan"). The Plan is a collaborative product of Amtrak's management and Board of Directors that establishes certain business goals to improve profitability, expand and enhance services, improve its physical assets, and improve employee and passenger safety. The FY 2008 plan is the most recent edition of a series of strategic initiatives Amtrak has published since 2003. The subsequent revisions reflect a movement by Amtrak from a focus on stabilization of a fragile business enterprise with substantial and critical deferred maintenance needs, to a more stable environment that focuses on better utilization of physical and organizational assets to improve financial performance.

Amtrak released its FY 2008 Plan at a time of record demand. Year-to-date ridership in March 2007 was at 2.17 million passengers, a seven percent increase over March 2006 and two percent better than budget projections. Ticket revenues of $126.6 million were nearly 14 percent above FY06 revenues and six percent better than its budget projections. However, Amtrak also faces significant challenges. On-time performance ("OTP") outside the Northeast Corridor continues to decline, hurting efforts to maintain ridership and attract new ridership. Over the past four years, long-distance OTP performance has declined each year. Additionally, Amtrak's 16 state corridors continue a trend of four years of declining OTP. Amtrak is also beginning a multi-year cycle of replacing its aging fleet of railcars, with many cars more than 25 years old. It also faces $161 million in deferred projects and required security upgrades on its property and track. Amtrak must also devote a significant portion of its annual budget to debt service.

At the hearing, Amtrak's President and Chief Executive Officer ("CEO") testified that Amtrak was developing a strategic plan to meet these challenges. This plan included focusing on continued company-wide cost reduction initiatives to reduce Amtrak's reliance on Federal operating assistance and increasing revenue by adding frequencies and improving revenue management. Amtrak's other key goals and objectives include containing cost growth, improving financial transparency, providing a safe environment for employees and passengers, improving the management of our human capital, and finally conserving natural resources. The Plan intends to reduce Amtrak's dependence on Federal operating support over the next five fiscal years by increasing revenue and containing costs.

Amtrak's President and CEO also outlined several goals that Amtrak would like to accomplish in a reauthorization bill. These goals were to solidify Amtrak's role in providing intercity passenger rail service, including establishing a federal policy for corridor development, improving long-distance services to better link state

and regional corridors, and becoming a more relevant transportation alternative. He also stated that the bill should help Amtrak take advantage of opportunities to connect Amtrak's intercity trains with other modes of travel.

BENEFITS OF INTERCITY PASSENGER RAIL

On June 26, 2007, the Subcommittee held a hearing to examine the benefits of intercity passenger rail. Nearly all intercity passenger rail in the United States is operated by the National Railroad Passenger Corporation, otherwise known as Amtrak. Most of this service is part of Amtrak's "basic system" that includes a network of 21,000 miles of rail over which 300 trains operate per day (excluding commuter trains) serving more than 500 communities in 46 States. In addition, a number of States have contracted with Amtrak to operate state-supported intercity passenger rail services. Amtrak serves over 24.3 million passengers annually, generating ticket revenues above $1.37 billion.

One of intercity passenger rail's benefits is as an alternative to highway and aviation travel. This benefit is more pronounced in the face of rising fuel costs, and increased air and highway congestion. Another benefit is economic. Rail stations are often engines for economic growth. Union Station in Washington, DC, is perhaps the most obvious example. The station attracts more than 23.5 million visitors per year and ranks as the most visited site in Washington, DC. The station houses Amtrak, Maryland Area Railway Commuter, the Virginia Railway Express, and Metro, which links commuters to Reagan National Airport and the rest of DC. Stations like Union Station have helped build up the economy in surrounding areas. Restaurants, shops, and local businesses have moved in, and residential real estate has thrived, all of which have created more jobs.

At the hearing, the Secretary of the Wisconsin Department of Transportation testified on the benefits that intercity passenger rail provides for congestion relief, economic development, and disaster relief. The Commissioner of the New York Department of Transportation testified on the important interconnectivity benefits that Amtrak provides New York to the rest of the Northeast Corridor. The Chair of the Midwest Interstate Passenger Rail Commission testified that passenger rail development is a bargain compared to building roads and airports. For example, one railroad track can carry the same number of people as a ten-lane highway, at a fraction of the cost. Finally, the High-Speed Rail Project Manager for the Environmental Law and Policy Center urged the Subcommittee to adopt legislation that favored increased support for Amtrak and intercity passenger rail.

AMTRAK CAPITAL NEEDS

On July 11, 2007, the Subcommittee held a hearing to examine Amtrak's capital needs, as part of a larger effort to introduce Amtrak reauthorization legislation. In 2005, Amtrak completed a comprehensive catalog of its capital needs. The analysis showed a $4.2 billion backlog of investment to bring the Amtrak engineering infrastructure system to a state-of-good-repair ("SOGR"), excluding

some major bridge and tunnel work. With the backlog of bridge and tunnel work included, that backlog approaches an estimated $6 billion. The current SOGR backlog is based on the population of assets beyond their current design life at the current unit cost to replace those assets. There is a corresponding annual incremental investment needed to maintain the infrastructure once at a SOGR.

Even with adequate funding, resources, and additional equipment, Amtrak estimates the backlog of work will take a minimum of ten years to complete to maintain a reliable level of rail service as the construction is completed. Based on a ten-year catch-up scenario, the Amtrak capital funding needed during this period would be approximately $715 million per year through fiscal year 2011 and $600 million per year for each fiscal year 2012 to 2016 (in 2005 dollars).

In addition, Amtrak plans to focus its attention on renewing its aging fleet of locomotives and passenger cars while making the best use of existing equipment. Amtrak estimates that the average age of its locomotives is 11 years, with locomotives ranging from 5 to 25 years old. The average lifespan of a locomotive is 25 to 30 years. The average age of Amtrak's passenger cars is 23 years, with passenger cars ranging from 5 to 55 years old. The average lifespan for passenger cars is 40 to 50 years. Amtrak estimates that it would cost $4 billion to replace its entire fleet of 1,542 passenger cars at $2.5 million per unit, and $2.5 billion to replace its entire fleet of 497 locomotives at $5 million per unit.

Amtrak's President and CEO, Alexander Kummant, who testified at the hearing, observed that an important component to helping Amtrak reduce its backlog effectively and quickly is the security of a multi-year funding bill. This legislation would allow Amtrak to plan its workforce, capital project schedule, and organization more effectively. Mr. Kummant observed that the reason the Northeast Corridor is not a dedicated high-speed corridor is partially due to its history of serving all communities along the corridor. Cost is also a factor. Amtrak estimates it would cost approximately $10 billion to engineer the corridor to reduce trip time to 2 hours and 20 minutes (from current trip time of 2 hours and 45 minutes).

FEDERAL, STATE, AND LOCAL ROLES IN RAIL SAFETY

On August 9, 2007, the Subcommittee held a field hearing in Norwalk, California, to receive testimony on Federal, state, and local roles in rail safety. Federal, state, and local governments all play a role in rail safety. The FRA administers the Federal rail safety program. It has the authority to issue regulations and orders pertaining to rail safety and to issue civil and criminal penalties to enforce those regulations and orders. The FRA relies on 421 Federal safety inspectors and 160 State safety inspectors to monitor the railroads' compliance with the federally-mandated regulations and orders. These inspectors operate out of eight regional offices and are divided into six safety disciplines: (1) Track and Structures; (2) Signal and Train Control; (3) Motive Power and Equipment; (4) Operating Practices, which includes (5) Drug and Alcohol; and (6) Hazardous Materials. They also promote numerous initiatives under the Highway-Rail Grade Crossing and Trespasser Prevention Programs.

Federal law requires all laws, regulations, and orders relating to rail safety to be nationally uniform to the extent practicable. A state may adopt or continue to enforce a law, regulation, or order related to rail safety until the Secretary of Transportation prescribes a regulation or issues an order covering the subject matter of the state requirement. A state may adopt or continue to enforce an additional or more stringent law, regulation, or order only in instances where the law, regulation, or order is necessary to eliminate or reduce an essentially local safety hazard; is compatible with a law, regulation, or order of the United States Government; and does not unreasonably burden interstate commerce.

While state rail safety standards are limited by the Federal preemption standard, they do play an important and growing role in monitoring railroads' compliance with Federally-mandated safety standards. Today, 30 States employing 160 safety inspectors participate in the FRA's Rail State Safety Participation Program. State programs generally emphasize planned, routine compliance inspections; however, States may undertake additional investigative and surveillance activities consistent with overall program needs and individual state capabilities.

At the hearing, the Deputy Administrator of the FRA observed that a number of enforcement issues left to state and local governments control are important to railroad safety, especially to highway-rail grade-crossing safety. He stated that railroads are required to cooperate fully with local law enforcement authorities during their investigations of highway-rail grade crossing collisions, which are, traffic accidents. Further, important issues relating to grade-crossing safety are also matters of state law. Likewise, the prohibition of trespassing on railroad property and of vandalism of railroad property and other property that affects railroad safety is primarily a matter of State law that has a significant impact on railroad safety. Trespassing is the leading cause of death associated with the railroad industry, so this is an area where States can (and need to) make a tremendous contribution to railroad safety. The regional vice president for BNSF testified that the fundamental framework of the Federal rail safety program succeeds in providing an increasing level of safety, while allowing railroads, local communities and state public utility commissions to work together to address issues of concern related to operations through communities. The Mayor of Pico Rivera, who testified at the hearing, urged Congress to assist local communities by mandating a more aggressive and responsive role for the railroads, particularly as it relates to health and safety issues. Additionally, he urged Congress to mandate that railroads grant access to their rights-of-way by cities and communities on a case-by-case basis to mitigate safety, trash, graffiti, and vandalism concerns in a timely fashion.

RAILROAD-OWNED SOLID WASTE TRANSLOAD FACILITIES

On October 16, 2007, the Subcommittee held a hearing on railroad-owned solid waste transload facilities. The purpose of the hearing was to examine the growing concern in the Northeast that some railroads are using federal preemption standards to shield

themselves from important state and local environmental laws regarding the movements of municipal solid waste ("MSW").

Rail is an important transportation mode to move solid waste. There are many solid waste facilities throughout the country that ship waste by rail, using either direct transfer from an industrial side spur, or intermodal containers that travel by truck to rail yards. Typically, these shipments travel long distances, where rail is competitively priced in relation to trucking alternatives. As landfill space becomes more expensive, and fuel costs continue to rise, it is expected that solid waste shipments by rail will increase.

However, there is a growing concern in the Northeast that some railroads are using federal preemption standards to shield themselves from important state and local environmental protection laws. Instead of merely transloading waste by taking it from trucks and placing it on rail cars, some railroads in the Northeast are operating like transfer stations, putting solid waste on the ground, sorting it, bailing it, and processing it before it goes on the railroad. Solid waste companies that do this work are required to comply with state and local environmental laws while the railroads—which are doing the same work—claim they are not subject to those laws because of federal preemption standards.

At the hearing, the Chairman of the STB observed that there are three ways that issues involving the handling of solid waste at facilities proposed to be located at rail lines come before the Board: (1) proposals to build a new line into a new service area; (2) proposals that involve a new carrier or a small Class III carrier seeking to acquire and operate an existing line; and (3) the construction of facilities ancillary to already-authorized rail lines. The Chairman also testified that state and local laws are preempted only if the particular action would prevent or unreasonably interfere with rail transportation. The Vice Chairman of the STB testified that while the Board has taken a more assertive stance toward cases involving waste, more should be done. He also testified that a clarification of the railroad preemption law by Congress may be appropriate. The Mayor of the Village of Croton-on-Hudson, New York, related instances that were similar to other witnesses present at the hearing. He testified of a recent instance in which the Metro Enviro Transfer ("MET"), a business operating a construction and demolition debris transfer station, recently attempted to bypass a Village order and a state Supreme Court ruling to close its transfer station by filing with the STB for preemption to operate as a railroad. The Village had ordered MET to close the station due to repeated violations of State and local environmental protection laws. While MET later dropped their application with the STB and closed the station, the Mayor warned the Subcommittee that he is aware of other businesses interested in the MET station site and may pursue the railroad preemption route to bypass local and state environmental protection laws. The Mayor urged the Subcommittee to clarify the railroad preemption, otherwise local communities would be contending with more examples like MET.

ROLE OF INTERCITY PASSENGER RAIL DURING NATIONAL EMERGENCIES

On February 11, 2008, the Subcommittee held a field hearing in New Orleans, Louisiana, to receive testimony on the role of intercity passenger rail during national emergencies.

Intercity passenger rail has many advantages in disaster situations, including evacuating residents, transporting first responders and equipment to assist disaster relief efforts, and often responding to people who lack alternative modes of transportation, such as those who rely on public transportation. Further, it is helpful for transporting individuals that need special assistance due to medical conditions or hospitalization. Finally, it is sometimes the only mode available to transport people and equipment medium- and long-distances in a timely manner.

The Honorable Ray Nagin, the Mayor of New Orleans, testified that passenger rail is a critical component of the City's evacuation planning, and urged Congress to support full funding for Amtrak. Dr. John Bertini, a witness who assisted with the evacuation of New Orleans following Hurricane Katrina, testified that intercity passenger rail allows evacuees to be cared for while rapidly fleeing danger under the care of a small number of crew. The Southern Rapid Rail Transit Commission testified that while intercity passenger rail is an important resource for evacuation, its greatest contribution comes in the post-disaster recovery phase for displaced residents.

INVESTMENT IN THE RAIL INDUSTRY

On March 5, 2008, the Subcommittee held a hearing on Wall Street investment trends in the railroad industry. In recent years, the railroad industry, and in particular the Class I railroads, have become attractive investments for Wall Street. In 2006, Atticus Capital, an activist hedge fund, publicly filed as a major shareholder of the Union Pacific ("UP"), CSX, Norfolk Southern ("NS"), and BNSF railroads. In February 2007, a private equity firm, Fortress Investment Group, completed a buyout of short line rail service provider RailAmerica. In April 2007, Warren Buffett purchased an 11 percent equity stake in BNSF, as well as holdings in NS and UP. A few weeks later, CSX reported that activist shareholder the Children's Investment Fund had purchased a 2.5 percent interest in CSX. This activity continued in 2008, with Mr. Buffett increasing his equity stake in BNSF to 18 percent. The Children's Investment Fund also increased its interest in CSX and nominated an alternate slate of directors to the CSX Board that was decided at its May 2008 Annual Shareholder meeting.

Railroads are an attractive investment for a number of reasons. First, railroads are currently enjoying greater pricing power than at any other time since passage of the Staggers Act of 1980. Second, after losing market share to highways for more than 40 years, railroads are regaining market share due to increased congestion, higher fuel prices, and off-shore manufacturing. Third, the railroads have realized enormous operational improvements. The railroads are also benefitting from growth trends in both coal and eth-

anol. Finally, the railroads have enjoyed increased cash flow from its operations.

The Chairman of the Surface Transportation Board, who testified at the hearing, acknowledged that a dominant investor with a very short-term focus could harm the long-term prospects of a particular company as well as disrupt interstate commerce if a policy of diverting revenues, neglecting shippers, and cutting back on capital spending were to be implemented. A railroad controlled by a large non-railroad investor, however, is still bound by the same obligations of all railroads: it must fulfill the common carrier obligation; it must maintain reasonable rates and practices; and it must file for abandonment or discontinuance authority if it is not going to provide service over a line. The Vice Chair of the Surface Transportation Board, who also testified at the hearing, observed that investment horizons for Wall Street and for a railroad are often different: a "long-term" investment for a private equity firm may be five years while five years may be a short period of time in the rail industry.

RAIL CAPACITY

On April 23, 2008, the Subcommittee held a hearing to examine current and projected demand on the nation's freight, intercity passenger, and commuter rail infrastructure. Freight railroads move more than 40 percent of the nation's freight (measured in ton-miles). In 2007, Amtrak, the nation's primary intercity passenger rail provider, moved 25.8 million passengers while the nation's 22 commuter rail providers had 460 million trips in 2007.

It is uncertain the extent that demand for rail service will grow in the future, but two recent studies suggest that this demand will be significant. The American Association of State Highway and Transportation Officials report that even moderate growth projections in the economy will result in a 57 percent increase in domestic tonnage by 2020 and import-export tonnage will increase by 100 percent. A more aggressive projection by the bipartisan National Surface Transportation Policy and Revenue Study Commission ("Commission") predicts U.S. economic output will lead to an increase of the total freight movements by 92 percent over the next 30 years.

These projected increases in freight traffic will also act to the detriment of intercity passenger rail and commuter rail services. A majority of Amtrak's intercity passenger rail service operates over freight rail networks outside the Northeast Corridor ("NEC"). Freight congestion negatively affects these services. For example, Amtrak reports that approximately 80 percent of delay minutes experienced by Amtrak trains operating outside of the NEC are the result of host railroad issues. Finally, Amtrak reports that host railroad delays are increasing dramatically, up 50 percent during the five years from the first half of FY 2002 to the first half of FY 2007.

The nation's 22 commuter rail service providers also rely heavily upon freight rail infrastructure to run service. Rail transit services exist in more than 50 metropolitan areas and small cities, and the number grows annually. The American Public Transportation Association states that transit ridership has grown more than 30 per-

cent since 1995, and is outpacing both the nation's population growth and the growth in the use of the nation's highways. Each weekday, 34 million trips are made on public transportation.

At the hearing, the President and CEO of Amtrak testified that the two principle causes of Amtrak's poor on-time performance are interference with Amtrak trains by freight trains and "slow orders" on freight track. A recent DOT IG report calculated that an 85 percent OTP for Amtrak would have resulted in an increase in revenue of $136.6 million in FY 2006. Cambridge Systematics, which prepared the study for the Commission, testified that to meet projected freight rail demand, the Class I railroads will need to increase their infrastructure investment from the current average of $1.5 billion per year to at least $4.8 billion per year through 2035. Cambridge Systematics concluded that the Class I railroads could increase their annual infrastructure expansion investment to $3.4 billion, leaving a $1.4 billion shortfall that would need to be made up from other sources. The President of the Association of American Railroads recommended that Congress pass the Rail Infrastructure Tax Credit, the Short Line Tax Credit, and support Public-Private Partnerships to make up this investment shortfall.

AMTRAK REAUTHORIZATION (THE "PASSENGER RAIL INVESTMENT AND IMPROVEMENT OF 2008")

On May 14, 2008, the Subcommittee held a hearing to receive testimony on Amtrak reauthorization legislation, H.R. 6003, the Passenger Rail Investment and Improvement Act of 2008. In 1997, Congress reauthorized Amtrak for the five-year period from FY 1997 to FY 2002 at a total funding level of $5.16 billion. This authorization provided only enough funding for Amtrak to continue operations, but little more to improve its infrastructure or bring its network to a state-of-good-repair.

Since the last authorization expired in 2002, numerous bills were introduced in the 107th, 108th, and 109th Congresses to reauthorize Amtrak. The Committee on Transportation and Infrastructure reported several bills to reauthorize Amtrak. Despite strong bipartisan support in the Committee for Amtrak reauthorization, none of the bills were considered by the full House of Representatives. Since the last authorization expired in 2002, the Subcommittee and its predecessor subcommittees have held 11 hearings on Amtrak.

H.R. 6003 substantially increases capital and operating grants to Amtrak. It includes an average of $1.34 billion per year in capital grants for a new state grant program and for Amtrak's capital needs and $606 million per year in Amtrak operating grants. It also provides $350 million per year to develop high-speed rail corridors.

At the hearing, Wisconsin's Secretary of Transportation testified that the Federal funding authorized by H.R. 6003 over the next five years will ensure a sound financial foundation for Amtrak operations in the Northeast Corridor, for Amtrak's long-distance trains, and for Amtrak partnerships with states in regional corridors. The President and CEO of Amtrak testified that the bill was a strong statement of support for Amtrak and intercity passenger rail.

HISTORIC PRESERVATION OF RAILROADS AND FACILITIES

On June 5, 2008, the Subcommittee held a hearing to examine the effects of Federal historic preservation requirements on the development of rail infrastructure, to determine whether Federal requirements for the preservation of historic sites are creating unnecessary delays and administrative burdens for improvements to rail infrastructure, and whether there is a need for legislation to change the historic preservation process.

In general, protected sites are those sites that are listed in the National Register of Historic Places, or sites which are eligible for listing (i.e., sites which are unlisted but meet the criteria for listing). The National Register is maintained by the National Park Service. Ordinarily, a site must be more than 50 years old to be eligible for listing. The criteria for listing include an association with significant historical events or lives of historically significant persons, embodying "distinctive characteristics of a type, period, architectural style or method of construction, or that represent the work of a master designer, possessing high artistic values, or that representing a significant and distinguishable entity whose components may lack individual distinction." According to the National Trust, there are 19 corridors or entire railroads listed in the National Register of Historic Places.

At the hearing, the Alaska Railroad and the North Carolina Department of Transportation ("NC DOT") urged Congress to modify the laws governing historic preservation for railroads. The Alaska Railroad testified that Alaska's SHPO has contended that the entire 450-mile Alaska Railroad is a historic site, which has required historic preservation procedures for individual facilities which do not merit protection on their own. The NC DOT testified that the NC SHPO has sought to designate the entire corridor between Raleigh and the state line as a historical site, and this has necessitated additional costs to its project schedule. The Trust testified that administrative remedies are available to the Alaska Railroad and to the NC DOT to streamline the processing of historically insignificant features of large historic sites, such as rail corridors. The Trust defended the appropriateness of listing entire corridors in the Register. They asserted that corridors have "a historical significance independent of the rail ties, structure, signage and signals that comprise it."

IMPLEMENTATION OF THE PIPELINE INSPECTION, PROTECTION, ENFORCEMENT AND SAFETY ACT OF 2006

On June 25, 2008, the Subcommittee held a hearing to examine the implementation of the Pipeline Inspection, Protection, Enforcement and Safety Act of 2006 ("PIPES Act"). The Pipeline and Hazardous Materials Safety Administration ("PHMSA") is charged with the safe and secure movement of almost one million daily shipments of hazardous materials by all modes of transportation. The agency oversees the nation's 2.2 million miles of gas and hazardous liquid pipelines, which account for 64 percent of the energy commodities consumed in the United States.

The PIPES Act of 2006 reauthorized the pipeline safety program through the end of FY 2010. It required the Department of Trans-

portation to promulgate a rulemaking to ensure that all low-stress hazardous liquid pipelines are subject to the same standards and regulations as other hazardous liquid pipelines. It also strengthened PHMSA's authority to order pipeline operators to take corrective action to remedy a condition that poses a threat to public safety, property, or the environment. The Act required operators of natural gas distribution pipelines to implement a pipeline integrity management program with the same or similar integrity management elements as hazardous liquid and natural gas transmission pipelines. Further, the law provides PHMSA with new civil authority to enforce one-call notification laws against excavators and pipeline owners and operators if a state's enforcement of one-call notification requirements is deemed inadequate.

The Administrator of PHMSA testified that it had taken action on almost every section, from improving data, to setting standards, to more robust and transparent enforcement. However, the Administrator acknowledged that PHMSA had not fully implemented the PIPES Act, including a final rule on low-stress pipelines, a rule on integrity management programs for distribution pipelines, and a final rule on control room management. The DOT IG made the following observations:

PHMSA and Transportation Security Administration ("TSA") have made progress toward implementing the security annex, but challenges remain. Implementing the annex is important because it includes program elements such as identifying critical infrastructure and key resources and developing security regulations, guidelines, and directives.

There is a lack of clearly defined roles at the working level between PHMSA and TSA regarding compliance with security guidance. Because TSA's guidance is voluntary and PHMSA can enforce its LNG security regulations, pipeline operators may receive conflicting or confusing guidance as a result. The DOT IG recommended that PHMSA and TSA should take steps to address these concerns.

Finally, the DOT IG recommended that PHMSA and TSA should maximize their resources for assessing pipeline operators' security plans and guidance. The Assistant Administrator for TSA acknowledged that TSA needed to work more closely with PHMSA in meeting its obligations under the law.

SUMMARY OF ACTIVITIES FOR THE SUBCOMMITTEE ON WATER RESOURCES AND ENVIRONMENT

During the 110th Congress the Subcommittee on Water Resources and Environment, chaired by Representative Eddie Bernice Johnson, with Representative John Boozman serving as Ranking Member, held 24 hearings (172 witnesses and approximately 56 hours), and one roundtable, covering the issues within the jurisdiction of the Subcommittee. The Committee on Transportation and Infrastructure also approved 51 Committee Resolutions authorizing studies by the Corps of Engineers of potential water resources projects.

The Committee developed several major legislative proposals, including the Water Resources Development Act of 2007, the Water Quality Financing Act of 2007, the Sewage Overflow Community Right-to-Know Act, the Beach Protection Act of 2007, and the Great Lakes Legacy Reauthorization Act of 2008.

The following bills and resolutions were enacted in the 110th Congress:

Public Law 110–114, the Water Resources Development Act of 2007;

Public Law 110–365, the Great Lakes Legacy Reauthorization Act of 2008;

Public Law 110–288, the Clean Boating Act of 2008;

Public Law 110–299, A bill to clarify the circumstances during which the Administrator of the Environmental Protection Agency and applicable States may require permits for discharges from certain vessels, and to require the Administrator to conduct a study of discharges incidental to the normal operation of vessels;

Public Law 110–263, to redesignate Lock and Dam No. 5 of the McClellan-Kerr Arkansas River Navigation System near Redfield, Arkansas, authorized by the Rivers and Harbors Act approved July 24, 1946, as the "Colonel Charles D. Maynard Lock and Dam";

Public Law 110–274, to amend the Water Resources Development Act of 2007 to clarify the authority of the Secretary of the Army to provide reimbursement for travel expenses incurred by members of the Committee on Levee Safety;

Public Law 110–246, Food, Conservation and Energy Act of 2008;

H. Res. 354, recognizing 2007 as the official 50th anniversary celebration of the beginnings of marinas, power production, recreation, and boating on Lake Sidney Lanier, Georgia;

H. Res. 725, recognizing the 35th anniversary of the Clean Water Act, and for other purposes;

H. Res. 832, honoring the Texas Water Development Board on its selection of the Environmental Protection Agency's 2007

Clean Water State Revolving Fund Performance and Innovation Award;

H. Res. 845, recognizing the 60th anniversary of Everglades National Park and dedicates the House of Representatives to the success of the Comprehensive Everglades Restoration Plan;

H. Res. 1224, commending the Tennessee Valley Authority on its 75th anniversary;

H. Res. 1376, commemorating the 80th anniversary of the Okeechobee Hurricane of September 1928 and its associated tragic loss of life; and

U.S. Army Corps of Engineers Survey Resolutions. The Committee on Transportation and Infrastructure adopted 51 U.S. Army Corps of Engineers Survey Resolutions.

Other bills and resolutions that passed the House include:

H.R. 720, the "Water Quality Financing Act of 2007";

H.R. 569, the "Water Quality Investment Act of 2007";

H.R. 2537, the "Beach Protection Act of 2007";

H.R. 2452, the "Sewage Overflow Community Right-to-Know Act";

H.R. 700, the "Healthy Communities Water Supply Act of 2007";

H.R. 5511, the Leadville Mine Drainage Tunnel Remediation Act of 2008"; and

H. Con. Res. 187, expressing the sense of Congress Regarding the Dumping of industrial waste into the Great Lakes.

In addition, on June 4, 2008, the Committee reported H.R. 135, the "Twenty-First Century Water Commission Act of 2007", favorably to the House. No further action was taken on this legislation. On June 4, the Committee also reported H.R. 5770, to provide for a study by the National Academy of Sciences of potential impacts of climate change on water resources and water quality, favorably to the House. No further action was taken on this legislation.

Public Laws and House Resolutions

WATER RESOURCES DEVELOPMENT ACT OF 2007

Public Law 110–114

(H.R. 1495)

November 9, 2007

The Water Resources Development Act of 2007 (P.L. 110–114) ("WRDA 2007") authorizes approximately $23 billion projects and studies for the U.S. Army Corps of Engineers within its existing missions of flood damage reduction, navigation, environmental restoration, water supply, hydropower, and environmental infrastructure. In particular, WRDA authorizes 51 Reports of the Chief of Engineers, including eight projects for navigation, 16 projects for environmental restoration, eight projects for shore protection and hurricane and storm damage reduction, ten projects for flood control, and eight multi-purpose projects.

This law includes 138 projects under the Corps of Engineers continuing authorities programs. These programs are statutory au-

thorities for small flood damage reduction, environmental restoration, navigation, shoreline stabilization, and projects for improvement of the environment. It authorizes approximately 100 studies for the Corps of Engineers, covering the Corps' purposes of flood control, navigation, recreation, ecosystem restoration, and water supply.

In addition, this law modifies approximately 160 existing projects of the Corps of Engineers to allow the Corps to meet the needs of the nation with respect to ongoing flood control, navigation, environmental restoration, and multipurpose projects.

WRDA 2007 authorizes approximately 400 new projects for the Corps of Engineers, including projects for navigation, flood control, environmental restoration, recreation, and environmental infrastructure. It also authorizes and modifies three critical programs for the restoration of coastal Louisiana, the restoration of the Florida Everglades, and the restoration of the Upper Mississippi River and Illinois Waterway System.

WRDA 2007 also includes important policy provisions that address concerns with the Corps' existing study, design, review, and mitigation processes. These provisions reflect changes that have been identified in the past several years and were highlighted by some of the problems discovered as a result of Hurricane Katrina.

First, WRDA 2007 directs the Corps to undertake Independent Peer Review of the technical aspects of project planning when certain cost thresholds are met, a Governor of an affected state requests it, or if the Chief of Engineers determines that the project will be controversial. The Independent Peer Review provision creates an important tool to ensure that the best projects are designed and implemented.

In addition, WRDA 2007 directs the Corps to update its primary guidance document, the Principles and Guidelines ("P&G"). With an updated P&G, the Corps will be able to better capture the needs of modern infrastructure projects including ecosystem needs along with important infrastructure.

Finally, WRDA 2007 ensures that necessary infrastructure projects are not built at the expense of our natural environment but will include complete, timely, and appropriate mitigation for environmental impacts.

H.R. 1495 passed the House of Representatives on April 19, 2007, and became law on November 9, 2007, after a successful override of the President's veto.

GREAT LAKES LEGACY REAUTHORIZATION ACT OF 2008

Public Law 110–365

(H.R. 6460)

October 8, 2008

The Great Lakes Legacy Reauthorization Act of 2008 (P.L. 110–365) amends the Federal Water Pollution Control Act to reauthorize appropriations through fiscal year 2010 for projects aimed at the cleanup of contaminated sediment in the Great Lakes areas of concern.

In addition, the law amends section 118(c) of the Federal Water Pollution Control Act to allow sediment remediation funding to be used to address aquatic habitat restoration, provided that this restoration activity is related to a project for the remediation of contaminated sediment. It also authorizes the Administrator of the Environmental Protection Agency to conduct the initial site assessments for potential remediation projects within the areas of concern at Federal expense.

Finally, the law explicitly authorizes non-Federal sponsors to credit the value of certain in-kind contributions towards the non-Federal share of the cost of eligible sediment remediation projects, and reauthorizes appropriations for an existing research and development program for innovative sediment remediation technologies at current levels through 2010.

CLEAN BOATING ACT OF 2008

Public Law 110–288

(S. 2766/H.R. 5949)

July 29, 2008

The Clean Boating Act of 2008 (P.L. 110–288) provides a targeted exemption under the Clean Water Act for discharges incidental to the normal operations of recreational vessels. It defines a recreational vessel as "any vessel that is * * * manufactured or used primarily for pleasure, or * * * leased, rented, or chartered to a person for the pleasure of that person." The definition of recreational vessel specifically excludes a vessel "subject to Coast Guard inspection that * * * is engaged in commercial use, or * * * carries paying passengers."

This law also directs the Administrator of the Environmental Protection Agency to develop "reasonable and practicable" management practices to mitigate the adverse impacts of discharges from a recreational vessel that are exempted by this Act. It also requires the Administrator, in consultation with the Secretary of the department in which the Coast Guard is operating, the Secretary of Commerce, and the heads of other interested Federal agencies to develop performance standards for management practices based on the class, type, and size of the vessel.

TO CLARIFY THE CIRCUMSTANCES DURING WHICH THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY AND APPLICABLE STATES MAY REQUIRE PERMITS FOR DISCHARGES FROM CERTAIN VESSELS, AND TO REQUIRE THE ADMINISTRATOR TO CONDUCT A STUDY OF DISCHARGES INCIDENTAL TO THE NORMAL OPERATION OF VESSELS

Public Law 110–299

(S. 3298/H.R. 6556)

July 31, 2008

This law provides a two year moratorium from the permitting requirements of section 402 of the Clean Water Act for certain discharges incidental to the normal operation of vessels less than 79 feet in length and fishing vessels (as defined in section 2101 of title 46, United States Code) regardless of the length of the vessel. The law defines the types of discharges that shall not require a permit during the two-year period as: "any discharge of effluent from properly functioning marine engines," "any discharge of laundry, shower, and galley sink wastes," or "any other discharge incidental to the normal operation of a covered vessel."

The law also directs the Administrator of the Environmental Protection Agency, in consultation with the Secretary of the department in which the Coast Guard is operating and the heads of other interested Federal agencies, to conduct a study to evaluate the impacts of certain discharges incidental to the normal operation of a vessel. The law directs the Administrator to publicly release a draft report on the study for comment, and submit a final report on its findings to the authorizing Committees of the House and Senate within 15 months of the date of enactment.

TO REDESIGNATE LOCK AND DAM NO. 5 OF THE MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM NEAR REDFIELD, ARKANSAS, AUTHORIZED BY THE RIVERS AND HARBORS ACT APPROVED JULY 24, 1946, AS THE "COLONEL CHARLES D. MAYNARD LOCK AND DAM"

Public Law 110–263

(H.R. 781)

July 15, 2008

This law redesignates Lock and Dam number five of the McClellan-Kerr Arkansas River Navigation System as the "Colonel Charles D. Maynard Lock and Dam". Colonel Charles D. Maynard graduated from the United States Military Academy at West Point in 1941, after which he was commissioned in the Coast Artillery and later transferred to the Corps of Engineers. Colonel Maynard was the District Engineer of the Little Rock Engineer District, where he oversaw all aspects of the creation of the McClellan-Kerr Arkansas River Navigation System, which, at the time, was the largest civil works project ever undertaken by the Corps of Engineers.

This law honors his life and achievements, and recognizes his important contributions to Civil Works.

TO AMEND THE WATER RESOURCES DEVELOPMENT ACT OF 2007 TO CLARIFY THE AUTHORITY OF THE SECRETARY OF THE ARMY TO PROVIDE REIMBURSEMENT FOR TRAVEL EXPENSES INCURRED BY MEMBERS OF THE COMMITTEE ON LEVEE SAFETY

Public Law 110–274

(H.R. 6040)

July 15, 2008

This law amends section 9003 the Water Resources Development Act of 2007 to condition reimbursement for travel expenses incurred by members of the Committee on Levee Safety on the availability of appropriations.

FOOD, CONSERVATION, AND ENERGY ACT OF 2008

Public Law 110–246

(H.R. 6124)

June 18, 2008

The Food, Conservation, and Energy Act of 2008 (P.L. 110–246) includes two provisions within the jurisdiction of the Subcommittee on Water Resources and Environment. Section 2605 directs the Secretary of Agriculture to assist in the implementation of conservation activities on agricultural lands in the Chesapeake Bay watershed. Section 2803 authorizes appropriations for the Natural Resources Conservation Service Small Watershed Rehabilitation Program through fiscal year 2012.

RECOGNIZING THE 2007 AS THE OFFICIAL 50TH ANNIVERSARY CELEBRATION OF THE BEGINNINGS OF MARINAS, POWER PRODUCTION, RECREATION, AND BOATING ON LAKE SIDNEY LANIER, GEORGIA

(H. Res. 354)

June 11, 2007

H. Res. 354 recognizes the 50th anniversary celebration of the beginnings of marinas, power production, recreation and boating on Lake Sidney Lanier, Georgia. This resolution celebrates the creation of Lake Sidney Lanier and Buford Dam which, today, hosts more than eight million visitors annually who enjoy boating, fishing swimming and other recreation at the lake.

RECOGNIZING THE 35TH ANNIVERSARY OF THE CLEAN WATER ACT, AND FOR OTHER PURPOSES

(H. Res. 725)

October 16, 2007

H. Res. 725 recognizes the 35th anniversary of the Federal Water Pollution Control Act (commonly known as the "Clean Water Act") and recommits the House of Representatives to restoring and maintaining the chemical, physical, and biological integrity of the nation's waters in accordance with the goals and objectives of the Clean Water Act. This resolution renews the Congressional commitment to restoring and protecting the Nation's rivers, lakes, streams, marine waters, and wetlands for future generations.

HONORING THE TEXAS WATER DEVELOPMENT BOARD ON ITS SELECTION OF THE ENVIRONMENTAL PROTECTION AGENCY'S 2007 CLEAN WATER STATE REVOLVING FUND PERFORMANCE AND INNOVATION AWARD

(H. Res. 832)

January 18, 2008

H. Res. 832 honors the Texas Water Development Board as a 2007 recipient of the Environmental Protection Agency's Performance and Innovation in the SRF Creating Environmental Success Award. This resolution also recognizes the importance of adequate investment and management of water resources in sustainable development, including environmental integrity and human health and overall quality of life.

RECOGNIZING THE 60TH ANNIVERSARY OF EVERGLADES NATIONAL PARK AND DEDICATES THE HOUSE OF REPRESENTATIVES TO THE SUCCESS OF THE COMPREHENSIVE EVERGLADES RESTORATION PLAN

(H. Res. 845)

March 4, 2008

H. Res. 845 recognizes the celebration of the 60th Anniversary on December 6, 2007. The Florida Everglades ecosystem consists of 3 million acres of wetlands and is home to rare and endangered species. The Florida Everglades ecosystem is also an essential component of the Comprehensive Everglades Restoration Plan, authorized in the Water Resources Development Act of 2000. H. Res. 845 signifies the dedication of the House to the success of the Comprehensive Everglades Restoration Plan.

COMMENDING THE TENNESSEE VALLEY AUTHORITY ON ITS 75TH ANNIVERSARY

(H. Res. 1224)

September 29, 2008

H. Res. 1224 commends the Tennessee Valley Authority ("TVA") on its 75th anniversary and recognizes TVA's history of service in the areas of energy, the environment, economic development in the Tennessee Valley, and management of the Tennessee River system.

COMMEMORATING THE 80TH ANNIVERSARY OF THE OKEECHOBEE HURRICANE OF SEPTEMBER 1928 AND ITS ASSOCIATED TRAGIC LOSS OF LIFE

(H. Res. 1376)

September 24, 2008

H. Res. 1376 commemorates the 80th anniversary of the Okeechobee Hurricane of 1928, recognizes the tragic loss of life which resulted from the hurricane, and urges the Federal Government and state and local governments to take appropriate actions to encourage hurricane and disaster preparedness, education, response, and mitigation.

U.S. ARMY CORPS OF ENGINEERS SURVEY RESOLUTIONS

The Committee on Transportation and Infrastructure adopted 51 U.S. Army Corps of Engineers Survey Resolutions.

Other Legislation

WATER QUALITY FINANCING ACT OF 2007

(H.R. 720)

Passed the House on March 9, 2007

H.R. 720, the "Water Quality Financing Act of 2007", authorizes $14 billion in Federal grants over four years to capitalize Clean Water State Revolving Funds. It increases investment in wastewater infrastructure and is intended to reduce local costs associated with construction and maintenance of adequate wastewater systems.

In an effort to meet the nation's increasing wastewater needs, this legislation provides assistance to communities that meet a state's affordability criteria, and for individual ratepayers that will experience significant hardship from potential rate increases. It requires States to dedicate a portion of their funding to provide additional subsidization for disadvantaged communities that are most often in need of improved wastewater treatment facilities.

The bill encourages communities to consider alternative and innovative technologies that provide greater environmental benefits, and establishes water quality benefits as a primary criterion for determining which projects will receive funding.

H.R. 720 also reaffirms the requirement that workers on treatment works projects constructed with assistance from the state revolving funds will be paid not less than prevailing wages in that area, as determined under the Davis-Bacon Act.

WATER QUALITY INVESTMENT ACT OF 2007

(H.R. 569)

Passed the House on March 7, 2007

H.R. 569, the "Water Quality Investment Act of 2007", amends the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants to municipalities and States to control combined sewer overflows ("CSOs") and sanitary sewer overflows ("SSOs"). CSOs and SSOs are overflows of untreated waste that occur during wet weather events as a result of decayed wastewater infrastructure and present significant public health and safety concerns.

This legislation amends section 221 of the Act to authorize $1.71 billion over five years in grant funding to address CSOs and SSOs. It also makes other changes to section 221 to update the authority, and to allow for the Administrator of the Environmental Protection Agency ("EPA") to make such grants directly to municipalities.

BEACH PROTECTION ACT OF 2007

(H.R. 2537)

Passed the House on April 16, 2007

H.R. 2537, the Beach Protection Act of 2007, amends the Federal Water Pollution Control Act to reauthorize appropriations for the Beaches Environmental Assessment and Coastal Health ("BEACH") Act through fiscal year 2012, and makes programmatic changes to state coastal recreation water quality monitoring and notification programs.

Originally authorized in 2000 at an annual level of $30 million, this legislation increases authorization levels to $40 million in appropriations annually for the Environmental Protection Agency's BEACH program, and assists in providing grants to states along the coasts and Great Lakes for state and local recreational water monitoring and notification programs.

This legislation also clarifies state and local authorities for notifying the public when coastal waters are likely contaminated and present a potential threat to human health. It mandates that the public must be notified with 24–hours of the results of contaminated water quality sample.

It requires that the Administrator of the Environmental Protection Agency conducts an annual review of implementation of the BEACH Act by state and local governments, and takes corrective action for state and local governments that are not in compliance with the BEACH Act requirements and requires the Government Accountability Office to review and report on EPA's administration of the BEACH Act.

SEWAGE OVERFLOW COMMUNITY RIGHT-TO-KNOW ACT

(H.R. 2452)

Passed the House on June 23, 2008

H.R. 2452, the "Sewage Overflow Community Right-to-Know Act", amends the Clean Water Act to provide a uniform, national standard for public notification of both combined sewer overflows and sanitary sewer overflows. The bill requires owners and operators of publicly owned treatment works to provide timely notification to Federal and state agencies, public health officials, and the public of sewer overflows. Specifically, this legislation requires municipalities to develop and implement technologies to alert the treatment works in the event of a sewer overflow, to notify the public in any area where the overflow has the potential to affect public health, to immediately notify public health authorities and other affected entities of overflows that may imminently and substantially endanger human health, and to provide the appropriate Federal and state agencies with information on the magnitude, duration, and suspected cause of the overflow, as well as actions necessary to avoid future overflows.

This legislation authorizes funds from the Clean Water State Revolving Fund to be used to monitor, report, and notify the public of combined sewer overflows and sanitary sewer overflows.

HEALTHY COMMUNITIES WATER SUPPLY ACT OF 2007

(H.R. 700)

Passed the House on March 8, 2007

H.R. 700, the "Healthy Communities Water Supply Act of 2007", reauthorizes appropriations for section 220 of the Clean Water Act for Environmental Protection Agency grants for alternative water source projects to develop or provide water for municipal and industrial or agricultural uses in areas that are experiencing critical water supply needs.

In 2000, Congress amended the Clean Water Act to add section 220. Section 220 authorized appropriations for fiscal years 2002 through 2004 for EPA to make such grants. This authorization has expired.

This legislation reauthorizes appropriations for section 220 of the Clean Water Act to authorize a total of $125 million for EPA grants for alternative water source projects. There is no fiscal year limitation on the authorization of appropriations.

LEADVILLE MINE DRAINAGE TUNNEL REMEDIATION ACT OF 2008

(H.R. 5511)

Passed the House on April 16, 2008

H.R. 5511, the "Leadville Mine Drainage Tunnel Remediation Act of 2008", directs the Secretary of the Interior to remedy problems caused by a collapsed drainage tunnel in Leadville, Colorado.

The Committee on Transportation and Infrastructure was granted a referral on the bill.

EXPRESSING THE SENSE OF CONGRESS REGARDING THE DUMPING OF INDUSTRIAL WASTE INTO THE GREAT LAKES

(H. Con. Res. 187)

Passed the House on July 25, 2007

H. Con. Res. 187, expressing the sense of Congress regarding the dumping of industrial waste into the Great Lakes, restores the commitment of Congress to protect and restore the environmental integrity of the Great Lakes. In addition, this resolution expresses the sense of Congress that the United States Environmental Protection Agency should not allow increased dumping of chemicals and other pollutants into the Great Lakes. The resolution passed the House on July 25, 2007.

TWENTY-FIRST CENTURY WATER COMMISSION ACT OF 2007

(H.R. 135)

Reported Favorably to the House on June 4, 2008

H.R. 135, the "Twenty-First Century Water Commission Act of 2007", establishes a commission to provide for water assessments to project future water supply and demand, review current water management programs at each level of government, and develop recommendations for a comprehensive water strategy, and authorizes $9 million to carry out these functions. The Twenty-First Century Water Commission would consist of nine non-Federal members, appointed by the President, the Speaker of the House, and the Majority Leader of the Senate.

Specifically, H.R. 135 requires that the recommendations developed by the Commission must: (1) respect the rights of States in regulating water rights and uses; (2) identify incentives to ensure a dependable water supply for the nation over the next 50 years; (3) suggest strategies to avoid unfunded mandates; (4) eliminate duplication among Federal agencies of jurisdiction; (5) consider all available technologies; (6) make recommendations for capturing excess water and flood water for conservation and subsequent use in times of drought; (7) develop financing options for public works projects; and (8) suggest strategies to conserve existing water supplies and repairs to infrastructure. The Commission may consider other objectives related to the effective management of the water supply to ensure reliability, availability, and quality which the Commission considers appropriate.

The Commission would issue interim reports every six months and a final report within three years of the date of enactment. After issuing its final report, the Commission would cease to exist.

TO PROVIDE FOR A STUDY BY THE NATIONAL ACADEMY OF SCIENCES OF POTENTIAL IMPACTS OF CLIMATE CHANGE ON WATER RESOURCES AND WATER QUALITY

(H.R. 5770)

Reported Favorably to the House on June 4, 2008

H.R. 5770 directs EPA to enter into an arrangement with the National Academy of Sciences to convene a panel to study the potential impacts of global climate change to Federal Clean Water programs. Climate change may impact water quality, quantity, and infrastructure. In turn, these impacts may affect EPA's ability to ensure progress under statutes like the Clean Water Act.

This legislation calls for the National Academy of Sciences to prepare a two-part study. The first part would consist of an analysis of the impacts of climate change on hydrology and water quality, including an identification of regional variation of precipitation events that will impact watersheds, water resources, and water quality. The second part would assess the effects of climate change on implementation of the Clean Water Act. This study will enable EPA to develop and, if necessary, modify policies to effectively respond to climate change impacts on the nation's aquatic resources.

A report of the findings of this study shall be submitted to the Committee on Transportation and Infrastructure and the Committee on Environment and Public Works of the Senate two years after the date of enactment.

H.R. 5770 authorizes $1.5 million for this study.

Hearings

During the 110th Congress, the Subcommittee on Water Resources and Environment held 24 hearings.

THE NEED FOR RENEWED INVESTMENT IN CLEAN WATER INFRASTRUCTURE

On January 19, 2007, the Subcommittee held a hearing on the need for renewed investment in wastewater infrastructure pursuant to the Clean Water Act. Representatives of Federal, state, and local governments, and other stakeholders, focused on the nation's wastewater infrastructure needs and the importance of a renewed commitment to addressing these needs.

High quality wastewater treatment is critical to protecting human health and the environment. However, according to a 2000 EPA report, entitled "Progress in Water Quality", "without continued improvements in wastewater treatment infrastructure, future population growth will erode away many of the Clean Water Act achievements in effluent loading reduction." In its 2004 Clean Watersheds Needs Survey, EPA identified $202.5 billion in total publicly owned treatment works needs for the nation over 20 years. This water-related infrastructure investment need was also recognized by the Congressional Budget Office, which estimated that there is an annual investment need of between $13 billion and $20.9 billion in wastewater treatment. Given current funding levels

from all sources, there is an annual investment gap for wastewater infrastructure of between $3 billion and $11 billion.

While the demand for the Clean Water State Revolving Fund ("Clean Water SRF") funds is increasing, appropriations have declined significantly. This has created a pent-up demand in States for project funding. Needs are driven by new treatment requirements that must be met (e.g., to address nutrient loadings through additional treatment, sewer overflows, stormwater, and nonpoint sources). In addition, aging infrastructure must be repaired, replaced, and modernized.

AGENCY BUDGETS AND PRIORITIES FOR FY 2008

On February 14, 2007, the Subcommittee held a hearing on the President's budget request for fiscal year 2008. Testimony was received from the U.S. Army Corps of Engineers, the Environmental Protection Agency, the U.S. Department of Agriculture's Natural Resources Conservation Service, the Tennessee Valley Authority, and the St. Lawrence Seaway Development Corporation on their proposed budgets for fiscal year 2008.

IMPACT OF AQUATIC INVASIVE SPECIES ON THE GREAT LAKES

On March 7, 2007, the Subcommittee received testimony from representatives of the Environmental Protection Agency, the State of Michigan, the Great Lakes Commission, the City of Racine, Wisconsin, the Great Lakes and St. Lawrence Cities Initiative, the Little Traverse Bay Bands of Odawa Indians, academia, environmental groups, port facilities, and the power sector on the "Impact of Aquatic Invasive Species on the Great Lakes".

Testimony centered on the deleterious effects to the aquatic environment resulting from the large numbers of invasive species—plants, animals, and micro-organisms—that have been, and are continuously being introduced into the Great Lakes. Not only do these non-native species impact indigenous ecosystems, they have negative effects on commerce and recreation. Because of the cultural, economic, and environmental importance of the Great Lakes, witnesses spoke of the need for both the public and private sectors to address aquatic invasive species. Widespread discussion also centered on the need to address the introduction of non-native aquatic nuisance species via a ballast water management regime.

NONPOINT SOURCE POLLUTION: ATMOSPHERIC DEPOSITION AND WATER QUALITY

On April 17, 2007, the Subcommittee received testimony from representatives of the Environmental Protection Agency, the State of Massachusetts, the Leech Lake Band of Ojibwe, the Chesapeake Bay Foundation, and academia on the impact of "Nonpoint Source Pollution: Atmospheric Deposition and Water Quality".

Atmospheric deposition is a process by which airborne pollutants settle directly onto the surface of a water body ("direct deposition"), or reach a water body indirectly through deposition onto land surfaces and subsequent run-off through wet weather events ("indirect deposition"). This hearing focused on the role of atmospheric deposition as a significant cause of water quality impairments, acidifica-

tion of water bodies, and the toxic contamination of aquatic plants and animals. In addition to delivering excess and harmful levels of nutrients to water bodies, atmospheric deposition also results in the delivery of toxic substances, such as mercury. Witnesses noted that some pollutants can be transported over very long distances, while others, such as mercury, can also fallout very close to the source—impacting communities and water bodies in close proximity to the polluter. Testimony also noted significant gaps in monitoring networks that can track the extent of mercury and other forms of atmospheric deposition, as well as measure the effectiveness of control techniques.

NONPOINT SOURCE POLLUTION: THE IMPACT OF AGRICULTURE ON WATER QUALITY

On April 19, 2007, the Subcommittee received testimony from representatives from the Department of Agriculture's Natural Resources Conservation Service, the Environmental Protection Agency, the City of Waco, Texas, the American Water Works Association, academia, and environmental and agricultural organizations on "Nonpoint Source Pollution: The Impact of Agriculture on Water Quality".

Agricultural runoff consists of pollutants (such as excessive nutrients and sediment) from farming and ranching that are picked up by rainfall and snowmelt and eventually deposited into water bodies. This runoff, a form of nonpoint source pollution, continues to be a problem impairing the nation's water bodies. The hearing discussion among Members of the Subcommittee and witnesses focused on the effectiveness of best management programs (e.g., stream buffers), regulatory programs, conservation funding, and increased research to address and reduce agricultural nonpoint sources of pollution.

NATIONAL LEVEE SAFETY AND DAM SAFETY PROGRAMS

On May 8, 2007, the Subcommittees on Water Resources and Environment and Economic Development, Public Buildings, and Emergency Management jointly received testimony regarding "National Levee Safety and Dam Safety Programs". Witnesses included representatives from the U.S. Army Corps of Engineers ("Corps"), the Federal Emergency Management Agency ("FEMA"), the American Society of Civil Engineers, the Association of State Dam Safety Officials, the National Association of Flood and Stormwater Management Agencies, and the Association of State Floodplain Managers.

The Corps has constructed nearly 9,000 miles of the nation's estimated 15,000 miles of levees. On the Federal level, new levee construction requires complex engineering and its capacity is based on a level of protection that is justified by an analysis of the risks, costs, and benefits of constructing the project. There are strict engineering standards required when a Federal levee is designed and built. However, there are thousands of miles of levees built by other Federal agencies, states, towns, farmers, and landowners. Some of these levees are well built and well maintained; others are not.

Proper levees maintenance has proven to be a challenge at the local level. Except for the mainline levees of the lower Mississippi River, maintenance of levees constructed by the Corps is generally a non-Federal responsibility. Testimony delivered at the hearing described how little is known about the current condition of Federal or non-Federal levees, including whether these levees were designed to meet current conditions, or whether they have been properly maintained by the non-Federal interest.

In recent years, there has been much activity and concern about the condition and safety of levees around the country. The hurricane season of 2005 dramatically demonstrated the consequences of levee overtopping and failure when New Orleans flooded after levees failed during Hurricane Katrina. In addition, the Corps completed an initial review of levees and identified 122 levees that are determined to have unacceptable maintenance. The State of California has also conducted a review of its levees and identified 29 critical sites.

A "Flood Risk Policy Summit of 2006" was convened in December 2006 that brought together more than 60 professionals from Federal and state governments, flood risk managers, engineering professionals, natural resource specialists, and others. A number of recommendations that resulted from this meeting were presented in witness testimony.

ADDRESSING SEWAGE TREATMENT IN THE SAN DIEGO-TIJUANA BORDER REGION: IMPLEMENTATION OF TITLE VII OF P.L. 106–457, AS AMENDED

On July 10, 2007, the Subcommittee held a hearing entitled "Addressing Sewage Treatment in the San Diego-Tijuana Border Region: Implementation of Title VII of P.L. 106–457, as Amended". The Subcommittee received testimony from the Commissioner of the United States Section of the International Boundary and Water Commission ("IBWC"), the Environmental Protection Agency, and a representative of local business interests responsible for providing wastewater treatment services on the San Diego-Tijuana border region.

Signed into law in 2000, Public Law 106–457 recommended the negotiation of a new Treaty Minute to provide adequate wastewater treatment along the United States-Mexico border, consistent with the "Bajagua proposal", so that raw and partially-treated domestic sewage no longer crosses the border from Tijuana, Mexico, into the San Diego region. In 2006, the IBWC signed a contract with the private investors supporting the Bajagua proposal to develop the wastewater treatment plan. However, the Commissioner of the U.S. Section of the IBWC suspended all activities regarding implementation of the plan after Bajagua's investors informed the Commission it would be unable to meet the court-ordered deadline to complete the proposal.

The representative of local business interests and several Members of Congress from California expressed their support of the Bajagua proposal, because they believed that it was the most viable option on the table to address the wastewater treatment needs of San Diego County and bring the system into compliance with the Clean Water Act. However, the Commissioner of IBWC and the

representative of EPA claimed that due to Bajagua's inability to meet several court-ordered deadlines for compliance and the rising costs of the Bajagua proposal, IBWC was justified in suspending the project. The Commissioner of IBWC supported, as an alternative, retrofitting an existing South Bay International Wastewater Treatment facility as a more cost-effective and efficient alternative.

REAUTHORIZATION OF THE BEACHES ENVIRONMENTAL ASSESSMENT AND COASTAL HEALTH ACT

On July 12, 2007, the Subcommittee held a hearing regarding "Reauthorization of the Beaches Environmental Assessment and Coastal Health Act". The Subcommittee received testimony from the Environmental Protection Agency, representatives of state environmental protection and public health agencies, local government, and other interested stakeholders.

On October 10, 2000, the Beaches Environmental Assessment and Coastal Health Act ("BEACH Act") was signed into law. This legislation, which amends the Clean Water Act, was introduced to limit and prevent human exposure to polluted coastal recreation waters (including those along the Great Lakes) by assisting States and local governments to implement beach monitoring, assessment, and public notification programs. For these purposes, the BEACH Act authorized $30 million annually for fiscal years 2001 through 2005.

In addition, the BEACH Act required States and tribes with coastal recreation waters to adopt minimum water quality standards for pathogens and pathogen indicators by April 10, 2004, and directed EPA to promulgate standards for States that failed to establish standards as protective of human health as EPA's existing criteria, the 1986 Ambient Water Quality Criteria for Bacteria.

Finally, the BEACH Act required EPA to conduct additional studies associated with pathogens and human health and to publish new or revised water quality criteria for pathogens and pathogen indicators within five years of the date of enactment of the BEACH Act (ending on October 10, 2005), based on the results of these studies. EPA is also directed to review these revised water quality criteria every five years, and to revise the criteria, as necessary, to protect human health. States are directed to adopt any revised water quality criteria within three years of publication by EPA.

The Subcommittee hearing explored several topics related to the reauthorization of appropriations for EPA's BEACH program, including whether to increase the overall authorization of appropriations for the program. In addition, witnesses testified on several proposed policy changes to the BEACH Act, including additional authority for States to utilize a portion of their BEACH grants to identify the likely source of potential coastal recreational water contamination. Finally, several witnesses discussed the pending lawsuit against EPA for failure to publish "new or revised water quality criteria for pathogens and pathogen indicators (including a revised list of testing methods, as appropriate) * * * for the purpose of protecting human health in coastal recreational waters" by

October 10, 2005, as required by section 304(a) of the Clean Water Act, as amended by the BEACH Act.

RAW SEWAGE OVERFLOW COMMUNITY RIGHT-TO-KNOW ACT

On October 16, 2007, the Subcommittee received testimony on the Raw Sewage Overflow Community Right-to-Know Act from representatives of the Environmental Protection Agency, state and local governments, public health officials, and other stakeholders.

Municipal wastewater collection systems collect domestic sewage and other wastewater from homes and other buildings and convey it to wastewater treatment plants for proper treatment and disposal. These collection systems and treatment facilities are an extensive, valuable, and complex part of the nation's infrastructure, and are critical in achieving the goals of the Federal Water Pollution Control Act. The collection and treatment of domestic sewage and other wastewater is vital to the nation's economic and public health and the protection of the environment.

Two types of public sewer systems predominate in the United States—combined sewer systems and separate sanitary sewer systems. Municipal combined sewer systems utilize a joint-conveyance for the movement of wastewater (e.g., domestic sewage) and stormwater to wastewater treatment facilities. Separate sanitary sewer systems have individual (separated) conveyances for the movement of domestic sewage and for stormwater. Sewer overflows, whether from municipal combined sewer systems or sanitary sewer systems, can pose significant environmental impacts, and cause or contribute to human health impacts.

Witnesses generally agreed that the most reliable way to prevent human illness from waterborne diseases and pathogens is to eliminate the potential for human exposure to the discharge of pollutants from sewer overflows. This can occur either through the elimination of the discharge, or, in the event that a release does occur, to minimize the potential human contact to pollutants through public notice. Currently, Federal law does not provide a uniform, national standard for public notification of combined and sanitary sewer overflows. The Raw Sewage Overflow Community Right-to-Know Act amends the Clean Water Act to provide a uniform, national standard for public notification of both combined sewer overflows and sanitary sewer overflows, and develop and implement methodologies or technologies to alert the owners or operators of treatment works in the event of a sewer overflow.

TWENTY-FIRST CENTURY WATER COMMISSION ACT OF 2007

On November 8, 2007, the Subcommittee held a hearing regarding the "Twenty-First Century Water Commission Act of 2007". The Subcommittee heard testimony from Members of Congress, the Environmental Protection Agency, representatives of a state water board, non-governmental organizations, and a water rights attorney.

The United States is a nation blessed with abundant water resources across much of the landscape. In addition, investment in water infrastructure has helped provide reliable water resources for the nation's more arid regions, as well as those with less reli-

able water supplies. The nation's waters support myriad human uses and needs, power generation, navigation, and industry while also providing for a globally diverse freshwater ecosystem. However, these water resources are not evenly distributed across the country resulting in very different water resource management strategies.

These diverse conditions around the United States are all managed differently and often independently of other projects. There are many Federal and state agencies with management responsibilities, in addition to very different water laws of various States. This diversity of conditions, management, and statutory requirements has resulted in very local views of project operations and needs with little consideration of the broader watersheds that surround these projects. In addition, there have been increased demands for water resources, in part due to increased population and an increased recognition of the need to reserve water for aquatic ecosystems, as well as consumptive uses. These different operations and conditions are resulting in greater conflict over water resources. While these examples are representative of some existing water resource challenges, global climate change is predicted to exacerbate these conditions and place greater fiscal and management burdens on the nation.

Testimony was provided on H.R. 135, the "Twenty-First Century Water Commission Act of 2007". This bill establishes a commission to provide for water assessments to project future water supply and demand, review current water management programs at each level of government, and develop recommendations for a comprehensive water strategy. The commission is specifically directed to take into account impacts of climate change on water resources. Modeled after the 1968 National Water Commission Act, the "Twenty-First Century Water Commission" would consist of nine non-Federal members, appointed by the President, Speaker of the House, and Majority Leader of the Senate.

PROGRESS TOWARD IMPROVING WATER QUALITY IN THE GREAT LAKES

On January 23, 2008, the Subcommittee received testimony from representatives from EPA, the Natural Resources Conservation Service, the U.S. Fish and Wildlife Service, the National Oceanic and Atmospheric Administration ("NOAA"), the International Joint Commission, the Government Accountability Office ("GAO"), and Members of Congress on "Progress toward Improving Water Quality in the Great Lakes".

Testimony centered on the state of water quality in the Great Lakes, and progress being made to improve it. Stakeholders, including EPA, testified that steps are being taken to reduce water pollution and sources of impairment around the Great Lakes. One of the Federal Government's major steps to reduce water pollution is through the implementation of the Great Lakes Initiative ("GLI"). However, GAO noted that until EPA gathers more information on the implementation of the GLI and the impact the program has on reducing pollutant discharges from point sources, EPA will not be able to fully assess progress toward GLI goals and cleaning up the waters of the Great Lakes.

AGENCY BUDGETS AND PRIORITIES FOR FY 2009

On February 7, 2008, the Subcommittee held a hearing on "Agency Budgets and Priorities for FY 2009". Testimony was received from the Corps of Engineers and the Environmental Protection Agency on their proposed budgets for FY 2009.

REVITALIZATION OF THE ENVIRONMENTAL AGENCY'S BROWNFIELD'S PROGRAM

On February 14, 2008, the Subcommittee held a hearing on reauthorization of appropriations for, and potential policy changes to, the Environmental Protection Agency's brownfields program. The Subcommittee heard from representatives of the Environmental Protection Agency, local government officials, non-profit organizations, academia, and other stakeholders.

Brownfields are properties, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. Types of brownfields include inactive factories, gas stations, salvage yards, or abandoned warehouses. These sites can depress property values, provide little or no tax revenue, and contribute to community blight. There are estimated to be between 450,000 to one million brownfields sites in the United States. Redevelopment of these abandoned sites can promote economic development, revitalize neighborhoods, enable the creation of public parks and open space, or preserve existing properties, including undeveloped green spaces.

In 2001, Congress created specific authority to address brownfields with the Brownfields Revitalization and Environmental Restoration Act. This legislation amended the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), more commonly known as the Superfund law, to authorize funding through EPA for brownfields assessment and cleanup grants, provide targeted liability protections, and increase support for State and tribal voluntary response programs.

Witnesses were generally supportive of EPA's brownfields program, and encouraged Congress to extend the authorization of appropriations for the program.

COMPREHENSIVE WATERSHED MANAGEMENT AND PLANNING: DROUGHT-RELATED ISSUES IN THE SOUTHEASTERN UNITED STATES

On March 11, 2008, the Subcommittee held a hearing on "Comprehensive Watershed Management and Planning: Drought-related Issues in the Southeastern United States". Testimony was received from the City of Atlanta, Georgia, the U.S. Geological Survey, the U.S. Fish and Wildlife Service, the Corps of Engineers, the National Oceanic and Atmospheric Administration, and stakeholders on drought issues and planning in the southeastern United States.

Drought conditions from 2006 to the present in the Apalachicola-Chattahoochee-Flint ("ACF"') basin have resulted in competition for water in Federal reservoirs run by the Corps. Disputes have arisen over what the equitable allocation of water should be for upstream and downstream users. The current dispute over equitable allocation of water in the ACF system is one that has been ongoing since

the late 1980s. A variety of stakeholder groups and entities rely heavily on the availability of water in the ACF system, including water for municipal and industrial purposes in the Atlanta metropolitan region, irrigated agriculture in Georgia, hydropower dams and the cooling of coal-fired and nuclear power plants throughout the basin, the Apalachicola Bay (Florida) oyster and seafood industry, and Endangered Species Act-listed species on the Apalachicola River. Concern over upstream consumption of ACF water has resulted in downstream users protesting current allocation methods.

WATER RESOURCES CONTAMINATION AND ENVIRONMENTAL CLEANUP IN THE HUDSON VALLEY

On April 11, 2008, the Subcommittee held a field hearing in East Fishkill, New York, regarding "Water Resources Contamination and Environmental Cleanup in the Hudson Valley". The Subcommittee heard testimony from representatives of Federal, state and local governments, environmental and health experts, citizen groups, and Hudson Valley community members.

CERCLA was enacted to provide broad Federal authority to respond to releases of hazardous substances that endanger public health or the environment. It also created a trust fund supported by a tax on the chemical and petroleum industries and a corporate environmental income tax to provide for cleanup when no responsible party could be identified. CERCLA directs the Environmental Protection Agency to develop a National Priorities List ("NPL") of the most serious sites requiring cleanup. At the time of this hearing, 324 NPL sites have been cleaned up and 1,257 sites remain on the NPL.

On April 27, 2005, EPA placed the Hopewell Precision site, located in Hopewell Junction, New York, on the NPL. A public health assessment conducted by the New York State Department of Health was completed on September 28, 2008, and determined that actions were still necessary to address long-term public health risks associated with the Hopewell Precision site.

Witnesses at the hearing testified that residents in Hopewell Junction still face significant health risks due to exposure to toxic chemicals at the Hopewell Junction site, and that EPA must promulgate a new protective standard for trichloroethylene, the chemical found at the Hopewell Precision NPL. Witnesses emphasized the need for adequate prevention measures aimed at the prevention of groundwater contamination, as well as a need for stronger oversight and enforcement.

THE CLEAN WATER RESTORATION ACT OF 2007

On April 16, 2008, the Subcommittee held a hearing entitled "The Clean Water Restoration Act of 2007". The Subcommittee heard from the Environmental Protection Agency, the Department of Justice, the Department of Agriculture's Natural Resources Conservation Service, representatives of state and local governments, environmental, agricultural, and industry interests, legal practitioners, and other stakeholders on the "Clean Water Restoration Act of 2007".

On May 22, 2007, Chairman James L. Oberstar, Congressmen John D. Dingell and Vernon J. Ehlers, and 155 additional Members of Congress introduced H.R. 2421, the "Clean Water Restoration Act of 2007". This legislation amends the Clean Water Act by substituting the phrase "navigable waters" with its existing definition "waters of the United States" to restore protections over the nation's waters that existed prior to two Supreme Court decisions on the jurisdictional reach of the Act. The phrase "waters of the United States" has been part of the Clean Water Act since its enactment in 1972, but its commonly-understood meaning has been defined for decades through Federal agency regulations.

Several witnesses testified in support of the Clean Water Restoration Act as necessary to restore the comprehensive protections provided by the Clean Water Act in meeting its goal to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters" and to restore the regulatory certainty for both Federal and state-managed Clean Water Act programs that existed for almost three decades prior to the two Supreme Court decisions. Other witnesses expressed concern with the Clean Water Restoration Act, suggesting that the proposed definition of "waters of the United States" is ambiguous and has the potential for Clean Water Act jurisdiction to be interpreted far more broadly than was understood in 2001.

LAKE LEVELS IN THE GREAT LAKES

On April 18, 2008, the Subcommittee held a field hearing in Green Bay, Wisconsin, regarding "Lake Levels in the Great Lakes". The Subcommittee received testimony from representatives from the State of Wisconsin, the Corps of Engineers, the International Joint Commission, the Port of Green Bay, and the Lake Carriers' Association.

A study completed by the United States Geological Survey ("USGS") found that lake levels along the southern shore of Lake Michigan have fluctuated by as much as 8.4 feet during the past 160 years. Periods marked by either high or low water levels in the Great Lakes put a tremendous amount of stress on the local economy of those who live near the shore and these water levels are based mainly on rainfall patterns and runoff to the Great Lakes. The International Joint Commission is currently engaged in a five-year, $14.6 million study to examine the declining water levels in the Great Lakes, water management practices used in the Upper Great Lakes and potential factors that affect water levels, including climate change.

Witnesses testified to both the environmental and economic significance of lake levels in the Great Lakes. There was general agreement that total water withdrawal and consumptive use of water from the Great Lakes will increase and that increasing stress on an already overwhelmed system could have a drastic impact on the Great Lakes Region. Some witnesses also urged that attention be paid to adequate dredging in Great Lakes' port and waterways.

PROPOSALS FOR A WATER RESOURCES DEVELOPMENT ACT OF 2008

On April 30, 2008, the Subcommittee held a hearing on "Proposals for a Water Resources Development Act of 2008". The Subcommittee heard testimony from Members of Congress, the Corps of Engineers, representatives of industry, conservation organizations, and other stakeholders on policy issues and project proposals for a Water Resources Development Act of 2008.

IMPACTS OF NUTRIENTS ON WATER QUALITY IN THE GREAT LAKES

On May 12, 2008, the Subcommittee held a field hearing in Port Huron, Michigan, entitled "Impacts of Nutrients on Water Quality in the Great Lakes". The Subcommittee received testimony from representatives from the National Oceanic and Atmospheric Administration, academia, and other interested stakeholders on the impact of nutrients on water quality in the Great Lakes.

In the Great Lakes region, States have identified nutrient contamination as a major cause of water quality impairment. In recent years, there has been attention to the continuing problems of excessive nutrients in the Great Lakes, including the reemergence of a "dead" zone within Lake Erie. According to EPA, the bottom waters in the central basin of Lake Erie are again becoming anoxic in the late summer, in part, due to a concern about excessive nutrient loadings to the Lakes. In general, nutrients predominantly reach surface waters in one of three ways: pipes, runoff from the land, and air pollution deposition.

Witnesses testified to the importance of monitoring nutrient loadings in the Great Lakes and agreed that excessive nutrients constitute a major source of impairment in the Lakes. A number of witnesses stressed the importance of increased scrutiny to excessive nutrients entering the Great Lakes.

REAUTHORIZATION OF THE GREAT LAKES LEGACY ACT

On May 21, 2008, the Subcommittee held a hearing on "Reauthorization of the Great Lakes Legacy Act". The Subcommittee heard testimony from representatives from the Environmental Protection Agency, the State of Michigan, and stakeholder organizations from the Great Lakes region on the reauthorization of the Great Lakes Legacy Act.

In 2002, Congress enacted the Great Lakes Legacy Act as an amendment to section 118 of the Federal Water Pollution Control Act, more commonly known as the Clean Water Act. The Legacy Act authorized the Administrator of EPA to carry out sediment remediation projects for the 31 Great Lakes Areas of Concern located solely within the United States and the five Areas of Concern shared by the United States and Canada. Since its enactment, approximately $127 million has been appropriated to address sediment contamination projects within the eligible Great Lakes Areas of Concern; however, in that time, no U.S. controlled Area of Concern has been remediated to the point where the site could be delisted.

Several stakeholder organizations from the Great Lakes region strongly support the reauthorization of appropriations for the Great Lakes Legacy Act. Non-Federal witnesses present at the hearing

were generally supportive of significant increases in appropriations for Legacy Act projects and a series of targeted policy recommendations to improve the overall performance and effectiveness of the Legacy Act in addressing the toxic legacy of contaminated sediments in the Great Lakes Areas of Concern.

DISCHARGES INCIDENTAL TO THE NORMAL OPERATION OF A COMMERCIAL VESSEL

On June 12, 2008, the Subcommittee held a hearing to examine discharges incidental to the normal operation of a commercial vessel. The Subcommittee received testimony from the Environmental Protection Agency, representatives of state agencies, and other interested stakeholders.

The Clean Water Act prohibits the discharge of any pollutant from any "point source", including commercial vessels, unless the discharge is in compliance with a permit issued under the Act. However, until recently, EPA regulations (40 CFR 122.3(a)) excluded "discharges incidental to the normal operation of vessels" from Clean Water Act permitting requirements. In March 2005, the U.S. District Court for the Northern District of California struck down the regulatory exemption for incidental discharges on the basis that this exemption exceeded EPA's authority under the Act. As a result of this decision, all discharges incidental to the normal operation of a vessel would, again, be subject to the permitting requirements of the Act.

Witnesses present at the hearing were generally in agreement on the lack of available scientific research and studies on the potential ecological impacts of discharges from commercial vessels. In essence, the long-term existence of EPA's incidental discharge exemption resulted in a lack of focused scientific attention to the issue. However, as a result of the March 2005 U.S. District Court decision, the Environmental Protection Agency was compelled to develop a structure for implementation of the Clean Water permitting requirements for the discharge of pollutants from vessels. At the hearing, EPA witnesses described a draft rule proposed by the agency to address discharges from commercial vessels through a commercial vessel general permit. The proposed rule was scheduled to go into effect in December 2008.

COMPREHENSIVE WATERSHED MANAGEMENT AND PLANNING

On June 24, 2008, the Subcommittee held a hearing entitled, "Comprehensive Watershed Management and Planning". Testimony was heard from representatives of the Corps of Engineers, the University of Maryland, the Association of State Floodplain Managers, the Texas Water Development Board, the Delaware River Basin Commission, and other interested stakeholders.

There have been varying levels of watershed planning over the past century, however, the focus has been on isolated water resource issues such as water quality, stormwater runoff, flood control, fish and wildlife habitat, and water supply. Historically, this planning has been focused on a narrow (single-purpose) legal mandate, and led by a single state or Federal agency, or a unit of local government, with little or no public involvement. The resulting

plans frequently fail to capture the full needs of watershed resources and do not engender widespread public acceptance on the resulting recommendations. Watershed planning has also faced increased criticism for the limited bureaucratic approach and focus on limited water resources issues. This has resulted in call for greater public involvement and study of a broader array of watershed concerns. In response, watershed planning has begun to evolve beyond the focus on limited water resource issues into a more comprehensive process with greater public engagement.

Most States and Federal agencies have watershed programs or support levels of watershed planning. While many of the Federal watershed programs have become more open to public participation, these programs continue to be limited in focus on addressing agency missions and not looking at comprehensive watershed concerns. For instance, the Corps of Engineers primarily focuses on flood control, navigation, and ecosystem restoration; EPA programs address water quality concerns related to Clean Water Act concerns; and NRCS programs typically address agricultural non-point source runoff and sediment loss.

Testimony was presented on ways comprehensive watershed management planning can help avoid regional conflicts by identifying early the impacts of potential water resources development decisions. Developing such plans is data intensive and involves complex models. Once in place, a watershed management plan can be used to evaluate local water resource development impacts and identify alternatives.

PROTECTING AND RESTORING AMERICA'S GREAT WATERS—PART I: COASTS AND ESTUARIES

On June 26, 2008, the Subcommittee held a hearing entitled, "Protecting and Restoring America's Great Waters—Part I: Coasts and Estuaries". The Subcommittee received testimony from representatives of the Environmental Protection Agency, the National Oceanographic and Atmospheric Administration, the Puget Sound Partnership, the San Francisco Public Utility Commission, the Association of National Estuary Programs, and other stakeholder organizations on the protection and restoration of the nation's coasts and estuaries.

Since its inception, policy analysts and policy-makers have described the National Estuary Program ("NEP") as one of the leading examples of collaborative institutions designed to resolve conflict and build cooperation at the watershed level. Unlike many other EPA programs that use traditional regulatory tools to achieve environmental and policy goals, the NEP uses a framework that relies on stakeholder collaboration to achieve estuarine protection and restoration goals. EPA performance results and comments from witnesses provide some information that the collaborative NEP approach can, at a minimum, provide an alternative to a sole reliance on traditional regulatory, or command-control, mechanisms. NOAA also has estuary restoration programs including the National Estuarine Research Reserve System and the Coastal and Estuarine Land Conservation Program. Witnesses from the Puget Sound, Washington region also testified about the value of an expanded Federal program to protect and restore the Puget Sound.

PROTECTING AND RESTORING AMERICA'S GREAT WATERS—PART II: CHESAPEAKE BAY

On July, 30, 2008, the Subcommittee held a hearing entitled, "Protecting and Restoring America's Great Waters—Part II: Chesapeake Bay". The Subcommittee received testimony from representatives from GAO, EPA, the Chesapeake Bay Commission, the University of Maryland, and other stakeholder organizations.

Witnesses testified that the Chesapeake Bay remains impaired. GAO noted that the Chesapeake Bay Program has undertaken positive actions to address impairments to the Chesapeake Bay, additional actions will still be needed before the program has the comprehensive and coordinated implementation strategy recommended by GAO in 1995. The witness from EPA's Office of Inspector General testified that while EPA has made some accomplishments it also lacks the resources, tools, and authorities to fully address the challenges facing the Chesapeake Bay. The witnesses from the EPA testified that successes have been achieved and progress has been made but that the health of the Chesapeake Bay remains far short of the goals laid out in the landmark Chesapeake 2000 agreement.

Stakeholder witnesses represented a number of organizations and collectively recognized that policy changes—including regulatory and non-regulatory actions—will be necessary to remove Chesapeake Bay impairments.

EMERGING CONTAMINANTS IN U.S. WATERS

On September 18, 2008, the Subcommittee held a hearing on "Emerging Contaminants in U.S. Waters". The Subcommittee heard testimony from the Environmental Protection Agency, the U.S. Geological Survey, the State of Maine, the National Association of Clean Water Agencies ("NACWA"), and academic researchers.

Emerging contaminants include unregulated and under-regulated contaminants in surface waters that negatively affect or have the potential to negatively affect human health and aquatic ecosystems. They include toxic chemicals, pharmaceuticals, personal care products, veterinary medicines, endocrine-disrupting chemicals, and nanomaterials.

The USGS witnesses reported on the findings from a series of USGS studies identifying wide arrays of emerging contaminants in surface waters. USGS also noted that there is little understanding of the potentially toxic and interactive effects (both acute and chronic) of the 80,000 chemicals—of which 10 percent are known carcinogens—currently in use. The vast majority of these chemicals do not have associated Clean Water Act permit standards, and are therefore, potentially unaddressed by current water quality regulatory authorities. The witness representing NACWA also stated that wastewater treatment facilities were not designed and are ill-equipped to capture many of these potentially harmful constituents from reaching surface waters, and potentially, drinking water sources throughout the nation.

WATER RESOURCES SURVEY RESOLUTIONS APPROVED BY THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. Farr

Moss Landing Harbor-Elkhorn Slough, Monterey County, CA
Docket number: 2768
Date filed: March 2, 2005

(navigation, environmental restoration.)

May 2, 2007. Resolution adopted by the Committee on Transportation and Infrastructure.

Ms. DeLauro

New Haven Harbor, CT
Docket number: 2769
Date filed: April 18, 2007

(navigation, sediment control, environmental restoration.)

May 2, 2007. Resolution adopted by the Committee on Transportation and Infrastructure.

Mr. Hulshof

Meramec River, Brush Creek, Pacific, MO
Docket number: 2770
Date filed: January 19, 2007

(flood control, environmental restoration.)

May 2, 2007. Resolution adopted by the Committee on Transportation and Infrastructure.

Mr. Carnahan

St. Louis, MO
Docket number: 2771
Date filed: March 2, 2005

(flood damage reduction.)

May 2, 2007. Resolution adopted by the Committee on Transportation and Infrastructure.

Mr. Hinchey

Esopus and Plattekill Watersheds, Greene and Ulster Counties, NY
Docket number: 2772
Date filed: March 2, 2005

(navigation, streambank stabilization, flood damage damage reduction, environmental restoration, floodplain management, water quality, sediment control.)

May 2, 2007. Resolution adopted by the Committee on Transportation and Infrastructure.

Mr. Bishop of NY

Hashamomuck Cove, Southold, NY
Docket number: 2773
Date filed: March 19, 2007

(floodplain management, water quality, sediment control, flood and storm damage reduction, environmental restoration.)

May 2, 2007. Resolution adopted by the Committee on Transportation and Infrastructure.

Mr. Weiner

Manhattan Beach and Sheepshead Bay, Coney Island, NY
Docket number: 2774
Date filed: April 25, 2007

(flood and storm damage reduction, environmental restoration, floodplain management.)

May 2, 2007. Resolution adopted by the Committee on Transportation and Infrastructure.

Mr. Bishop of NY

Peconic Bay Watershed, Suffolk County, NY
Docket number: 2775
Date filed: February 2, 2005

(streambank stabilization, water quality, flood damage reduction, environmental restoration.)

May 2, 2007. Resolution adopted by the Committee on Transportation and Infrastructure.

WATER RESOURCES SURVEY RESOLUTIONS APPROVED

Mr. Hinchey

Rondout Watershed, Sullivan and Ulster Counties, NY
Docket number: 2776
Date filed: April 11, 2007

(navigation, sediment control, water quality, flood and storm damage reduction, environmental restoration.)

May 2, 2007. Resolution adopted by the Committee on Transportation and Infrastructure.

Ms. Ros-Lehtinen

Key West Harbor, FL
Docket number: 2777
Date filed: February 27, 2007

(navigation.)

May 2, 2007. Resolution adopted by the Committee on Transportation and Infrastructure.

Mr. Butterfield and Mr. Forbes

Chowan River Basin, NC and VA
Docket number: 2778
Date filed: March 1, 2005

(navigation, erosion control, flood damage reduction, environmental restoration, floodplain management.)

May 2, 2007. Resolution adopted by the Committee on Transportation and Infrastructure.

Ms. Lowey

Westchester County Streams, Westchester County, NY
Docket number: 2779
Date filed: April 30, 2007

(navigation, watershed management, storm damage reduction, environmental restoration, floodplain management.)

May 2, 2007. Resolution adopted by the Committee on Transportation and Infrastructure.

Mr. Udall of CO

Roaring Fork River, Basalt, CO
Docket number: 2780
Date filed: March 2, 2005

(recreation, flood damage reduction, environmental restoration.)

May 2, 2007. Resolution adopted by the Committee on Transportation and Infrastructure.

Mr. Capuano

Mystic River Watershed, MA
Docket number: 2781
Date filed: May 15, 2007

(environmental restoration.)

May 23, 2007. Resolution adopted by the Committee on Transportation and Infrastructure.

Mr. Latham

Des Moines River and Tributaries, Humbolt, IA
Docket number: 2782
Date filed: May 10, 2007

(flood damage reduction, environmental restoration.)

May 23, 2007. Resolution adopted by the Committee on Transportation and Infrastructure.

Mr. Carney

Middle and West Branch Susquehanna River Basin, PA
Docket number: 2783
Date filed: May 17, 2007

(flood damage reduction, environmental restoration, sediment control, watershed management, water quality.)

May 23, 2007. Resolution adopted by the Committee on Transportation and Infrastructure.

Mr. Sestak

Delaware County and Chester County Streams, PA
Docket number: 2784
Date filed: September 18, 2007

(flood damage reduction, environmental restoration and watershed management, ecosystem restoration, flodplain management, water quality, recreation.)

October 31, 2007. Resolution adopted by the Committee on Transportation and Infrastructure.

Mr. Lipinski

WATER RESOURCES SURVEY RESOLUTIONS APPROVED

Illinois Waterway, IL and IN
Docket number: 2785
Date filed: September 18, 2007

(dredge spoil disposal.)

October 31, 2007. Resolution adopted by the Committee on Transportation and Infrastructure.

Mr. Berry

White River Navigation, AR
Docket number: 2786
Date filed: July 18, 2007

(flood damage reduction, environmental restoration, navigation.)

October 31, 2007. Resolution adopted by the Committee on Transportation and Infrastructure.

Mr. LaTourette

Vermillion Harbor, OH
Docket number: 2787
Date filed: July 10, 2007

(navigation, flood damage reduction.)

October 31, 2007. Resolution adopted by the Committee on Transportation and Infrastructure.

Mr. Hall of NY

Dutchess County Watersheds, Dutchess County, NY
Docket number: 2788
Date filed: May 23, 2007

(navigation, water supply, flood damage reduction, environmental restoration, watershed management.)

October 31, 2007. Resolution adopted by the Committee on Transportation and Infrastructure.

Mr. Costello

Alexander and Union Counties, IL
Docket number: 2789
Date filed: April 11, 2008

(flood damage reduction, ecosystem restoration, recreation.)

May 15, 2008. Resolution adopted by the Committee on Transportation and Infrastructure.

Mr. Costello

Jackson County, IL
Docket number: 2790
Date filed: April 29, 2008

(flood damage reduction, ecosystem restoration, recreation.)

May 15, 2008. Resolution adopted by the Committee on Transportation and Infrastructure.

Mr. Barrett

Anderson County, SC
Docket number: 2791
Date filed: April 1, 2008

(flood damage reduction.)

September 24, 2008. Resolution adopted by the Committee on Transportation and Infrastructure.

Mr. Boustany

Gulf Intercostal Waterway Shoreline Protection, LA
Docket number: 2792
Date filed: April 1, 2008

(shoreline protection.)

September 24, 2008. Resolution adopted by the Committee on Transportation and Infrastructure.

Mr. Boustany

St. Landry and Acadia Parishes, LA
Docket number: 2793
Date filed: April 1, 2008

(flood damage reduction, environmental restoration, recreation.)

September 24, 2008. Resolution adopted by the Committee on Transportation and Infrastructure.

Mr. Boustany

Vinton Harbor and Terminal District, Vinton, LA
Docket number: 2794
Date filed: April 1, 2008

(flood damage reduction, environmental restoration, navigation.)

September 24, 2008. Resolution adopted by the Committee on Transportation and Infrastructure.

WATER RESOURCES SURVEY RESOLUTIONS APPROVED

Mr. Boustany

Mermentau River Basin, Abbeville and Lake Charles, LA
Docket number: 2795
Date filed: April 1, 2008

(flood damage reduction, environmental restoration, recreation.)

September 24, 2008. Resolution adopted by the Committee on Transportation and Infrastructure.

Mr. Carney

Sunbury, Northumberland County, PA
Docket number: 2796
Date filed: April 1, 2008

(flood damage reduction, watershed management, streambank stabilization, environmental restoration, recreation.)

September 24, 2008. Resolution adopted by the Committee on Transportation and Infrastructure.

Mr. Cleaver and Mr. Graves

Line Creek Watershed, Kansas City, KS and MO
Docket number: 2797
Date filed: April 1, 2008

(watershed management, flood damage reduction, environmental restoration, recreation.)

September 24, 2008. Resolution adopted by the Committee on Transportation and Infrastructure.

Mr. Doyle and Mr. Altmire

Turtle Creek Basin, PA
Docket number: 2798
Date filed: April 1, 2008

(flood damage reduction, stream bank protection, storm water management, watershed management.)

September 24, 2008. Resolution adopted by the Committee on Transportation and Infrastructure.

Mr. Hinchey

Upper Susquehanna River Basin, NY
Docket number: 2799
Date filed: April 1, 2008

(environmental restoration, flood damage reduction.)

September 24, 2008. Resolution adopted by the Committee on Transportation and Infrastructure.

Mr. Jordan

Mohican River (Black and Rocky Forks), OH
Docket number: 2800
Date filed: April 1, 2008

(flood damage reduction.)

September 24, 2008. Resolution adopted by the Committee on Transportation and Infrastructure.

Mr. LaHood

Morgan and Scott Counties, IL
Docket number: 2801
Date filed: April 1, 2008

(flood damage reduction, environmental restoration, recreation.)

September 24, 2008. Resolution adopted by the Committee on Transportation and Infrastructure.

Mr. Westmoreland

Henry County, GA
Docket number: 2802
Date filed: April 1, 2008

(flood damage reduction, environmental restoration.)

September 24, 2008. Resolution adopted by the Committee on Transportation and Infrastructure.

Mr. Moore and Mr. Cleaver

Blue River Basin, KS and MO
Docket number: 2803
Date filed: April 1, 2008

(flood damage reduction, environmental restoration, recreation.)

September 24, 2008. Resolution adopted by the Committee on Transportation and Infrastructure.

Mr. Moore and Ms. Boyda

Kansas River, KS
Docket number: 2804
Date filed: April 1, 2008

(streambank erosion control.)

WATER RESOURCES SURVEY RESOLUTIONS APPROVED

September 24, 2008. Resolution adopted by the Committee on Transportation and Infrastructure.

Mr. Rahall

Pritchard Intermodal Facility, WV
Docket number: 2805
Date filed: April 1, 2008

(navigation.)

September 24, 2008. Resolution adopted by the Committee on Transportation and Infrastructure.

Mr. Murphy of PA

Bucks County, PA
Docket number: 2806
Date filed: April 1, 2008

(flood damage reduction, environmental restoration, regional sediment management, water quality control, recreation.)

September 24, 2008. Resolution adopted by the Committee on Transportation and Infrastructure.

Ms. Schwartz

Wissahickon Creek, PA
Docket number: 2807
Date filed: April 1, 2008

(flood damage reduction, environmental restoration, water supply, recreation, regional sediment management, water quality.)

September 24, 2008. Resolution adopted by the Committee on Transportation and Infrastructure.

Mr. Stark and Ms. Lee

San Lorenzo Creek, Alameda County, CA
Docket number: 2808
Date filed: April 1, 2008

(flood damage reduction.)

September 24, 2008. Resolution adopted by the Committee on Transportation and Infrastructure.

Ms. Sutton

Wolf Creek, Baberton, OH
Docket number: 2809
Date filed: April 1, 2008

(flood damage reduction, environmental restoration.)

September 24, 2008. Resolution adopted by the Committee on Transportation and Infrastructure.

Mr. Thompson of CA

Salt River Watershed, Humboldt County, CA
Docket number: 2810
Date filed: April 1, 2008

(flood damage reduction, environmental restoration.)

September 24, 2008. Resolution adopted by the Committee on Transportation and Infrastructure.

Mr. Frank and Mr. McGovern

Fall River, MA
Docket number: 2811
Date filed: April 1, 2008

(environmental restoration.)

September 24, 2008. Resolution adopted by the Committee on Transportation and Infrastructure.

Mr. Smith of NJ

Ocean County Streams and Estuaries, NJ
Docket number: 2812
Date filed: April 1, 2008

(environmental restoration, riparian habitat improvement, flood damage reduction, regional sediment management.)

September 24, 2008. Resolution adopted by the Committee on Transportation and Infrastructure.

Ms. DeGette

Adams and Denver Counties, CO
Docket number: 2813
Date filed: September 22, 2008

(flood damage reduction, floodplain management, water supply, water quality improvement, recreation, environemental restoration, comprehensive watershed planning.)

September 24, 2008. Resolution adopted by the Committee on Transportation and Infrastructure.

WATER RESOURCES SURVEY RESOLUTIONS APPROVED

Ms. McCarthy

East Rockaway, NY
Docket number: 2814
Date filed: May 9, 2008

(navigation, streambank stabilization, flood damage reduction, floodplain management, water quality, sediment control, environmental restoration.)

September 24, 2008. Resolution adopted by the Committee on Transportation and Infrastructure.

Ms. McCarthy

Nassau County, NY
Docket number: 2815
Date filed: May 9, 2008

(navigation, streambank stabilization, flood damage reduction, floodplain management, water quality, sediment control, environmental restoration.)

September 24, 2008. Resolution adopted by the Committee on Transportation and Infrastructure.

Mr. Baird

Coweeman River, WA
Docket number: 2816
Date filed: April 1, 2008

(flood damage reduction.)

September 24, 2008. Resolution adopted by the Committee on Transportation and Infrastructure.

Mr. Baird

Rock Creek, Stevenson, WA
Docket number: 2817
Date filed: April 1, 2008

(flood damage reduction.)

September 24, 2008. Resolution adopted by the Committee on Transportation and Infrastructure.

Mr. DeFazio

Albany Canal, Albany, OR
Docket number: 2818
Date filed: April 1, 2008

(flood damage reduction, environmental restoration, water quality, streambank stabilization.)

September 24, 2008. Resolution adopted by the Committee on Transportation and Infrastructure.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

SUMMARY OF THE OVERSIGHT AND INVESTIGATION ACTIVITIES

In the 110th Congress, the Committee on Transportation and Infrastructure conducted active oversight and investigation of the activities of government entities and programs under its jurisdiction. The Committee placed a strong emphasis on oversight and conducted numerous investigations to ensure that Federal agencies and entities under the Committee's jurisdiction were appropriately implementing laws and programs consistent with statutory intent. The Committee investigated numerous instances involving failures of Executive Branch agencies to properly enforce regulations or appropriately oversee the industries within their purview, as well as issues involving agency mismanagement. The Committee investigated ways to improve the overall operation of such agencies and eliminate waste or fraud. The Committee was assisted by the Government Accountability Office ("GAO") and the various Inspectors General of the agencies and departments under its jurisdiction.

As a general rule, the oversight and investigation functions of the Committee are conducted by the Full Committee, in coordination with the subcommittees, and by the individual subcommittees.

Full Committee Oversight Activities and Investigations

FMCSA'S PROGRESS IN IMPROVING MEDICAL OVERSIGHT OF COMMERCIAL DRIVERS

The National Highway Transportation Safety Administration ("NHTSA") reported in 2007 that approximately 4000 commercial vehicle accidents were caused by driver illness or incapacitation. In 2001, the National Transportation Safety Board made eight recommendations to the Federal Motor Carrier Safety Administration ("FMCSA") to improve medical oversight of commercial drivers. The recommendations have been on the National Transportation Safety Board's ("NTSB") "Most Wanted" list of safety improvements since 2003. The Committee investigated the extent to which FMCSA has addressed these recommendations. To determine the prevalence of serious medical conditions in the commercial driving population, the Government Accountability Office ("GAO") matched the database of commercial drivers to four Federal disability benefit databases. They found that more than one-half million of those drivers are currently receiving 100 percent medical disability. Of the 15 cases that their investigators profiled in detail, not one had received a careful evaluation by a medical examiner.

The Committee held a hearing on July 24, 2008 to question FMCSA about significant delays in addressing NTSB recommendations. All of the recommendations remain open and NTSB rates

FMCSA's overall response to the recommendations "unacceptable." Committee staff also issued a report on its own investigation into the veracity of more than 600 medical certificates. Staff found that in 5 percent of the sample, the medical examiner who "signed" the medical certificate did not exist or the medical examiner reported that the certificate was invalid.

CRITICAL LAPSES IN FEDERAL AVIATION ADMINISTRATION REGULATORY OVERSIGHT: ABUSES OF REGULATORY PARTNERSHIP PROGRAMS

The Oversight and Investigations ("O&I") staff conducted an investigation that revealed major systemic problems in Federal Aviation Administration ("FAA") regulatory oversight, and the development of an overly "cozy" relationship between the FAA and the airlines it is charged with regulating.

This investigation was stimulated by two FAA inspectors, who provided O&I staff with evidence demonstrating major violations of Federal Aviation Regulations. The evidence documented that the FAA maintenance supervisor for Southwest Airlines ("SWA") knowingly allowed the airline to operate aircraft in passenger service in March 2007, well after the inspection deadlines on mandatory Airworthiness Directives ("Ads"). The evidence shows a systematic pattern of failure to exercise the required regulatory oversight in the FAA office overseeing SWA, and to ensure carrier compliance for years prior to this occurrence. It also suggested that FAA senior management was aware of these abuses of the regulations for a nearly a year prior to their disclosure in March 2008 and were seeking to cover it up.

Beyond the SWA cases, there is strong evidence that there is a widespread pattern of "coziness." On March 6, 2008, as a result of the impending Committee hearing, the FAA notified SWA of a $10.2 million civil penalty action for 46 aircraft that had over-flown the fuselage inspection AD for up to 30 months. On March 10, 2008, the FAA Assistant Administrator for Safety sent a special team of FAA inspectors to do a thorough examination of SWA regulatory compliance. In the subsequent days, SWA grounded 41 more aircraft for "inspections." FAA issued a national order instructing all FAA Flight Standards Offices to conduct a "special emphasis validation of AD oversight," as a direct result of the public scrutiny generated by the O&I investigation.

On April 3, 2008, the Committee held a hearing on these issues. At the hearing and shortly thereafter, the FAA acknowledged significant lapses, has continued the inspection crackdown, placed several supervisors on administrative leave, and grounded more than 700 aircraft at several major airlines, which resulted in thousands of flight cancellations.

On April 18, 2008, Secretary of Transportation Mary Peters announced numerous reforms and appointed an "Independent Review Team" ("IRT") to evaluate the findings of this investigation and to make recommendations for FAA reform. On September 2, 2008, the IRT presented their report to the Secretary and made 13 recommendations in response to the findings of this investigation. The Secretary has directed the Acting FAA Administrator to implement these recommendations.

The House passed H.R. 6493, "The Aviation Safety Enhancement Act of 2008" on July 22 by a unanimous vote. The intent of the bipartisan legislation is to fix many of the issues that were uncovered by the Committee's investigation and hearing and the Department of Transportation, Office of Inspector General's ("DOT IG") recommendations. The reforms include: (1) rotating head inspectors every five years, (2) creating post-employment restrictions for inspectors, (3) the establishment of an independent aviation safety whistleblower investigation office, (4) clarification of "customers" of the FAA to mean the flying public, not air carriers, and (5) review and audit of FAA safety databases.

FAA AIRCRAFT CERTIFICATION: ALLEGED REGULATORY LAPSES IN THE CERTIFICATION AND MANUFACTURE OF THE ECLIPSE EA–500

O&I staff and the DOT IG investigated allegations that the FAA rushed to approve both the type ("TC") and production certifications ("PC") of a new aircraft, the Eclipse EA–500, despite safety concerns with the design and manufacturing of the aircraft raised by a number of FAA certification engineers and aviation safety inspectors. A few weeks prior to the April 3, 2008 Full Committee hearing on "Critical Lapses in FAA Safety Oversight of Airlines: Abuses of Regulatory 'Partnership Programs,'" O&I Committee staff were contacted by engineers and safety inspectors in the FAA's Aircraft Certification Service ("AIR") and received documentation alleging that FAA had inappropriately certified the EA–500 VLJ. The allegations suggested that serious design problems with the EA–500 were identified during the certification process, and that these deficiencies should have delayed the issuance of the aircraft's TC and PC. FAA certification engineers and inspectors who insisted on correction of these design deficiencies before certification were allegedly relieved of their former duties with the Eclipse program by senior FAA management and replaced by those more amenable to management's desire to certify the aircraft by an agency self-imposed deadline of September 30, 2006.

On September 17, 2008, the Subcommittee on Aviation held a hearing on this issue. The FAA admitted to mistakes during the Eclipse certification, but it claimed that no Federal regulations were violated. However, when the findings and assertions uncovered in this investigation are viewed in total, there is a disturbing suggestion that there was a "cozy relationship" and reduced level of vigilance on the FAA's part during both the TC and the PC approval process of the EA–500. Based upon the results of the OIG investigation, and the conclusions of the FAA's "lessons learned review, and—most importantly—the problems that continue to impact pilots, the OIG believes that FAA should have exercised *greater diligence* in certifying the EA–500 design. The EA–500 represented a whole new class of aircraft, and it did not easily fit into the FAA's normal certification regime because the EA–500 has advanced avionics and turbine engine technology more characteristic of a large transport aircraft. The FAA chose to use certification requirements for general aviation aircraft rather than the more rigorous requirements that should be required of aircraft with a high degree of technical complexity. FAA suggested at the hearing that

they were conducting comprehensive review of aircraft certification categories and requirements.

The FAA seems to have been unusually lenient given the priority it assigned and the collaborative relationship that was developed with Eclipse management. It is difficult to understand why senior FAA management *assigned itself a date* for the aircraft is to be ready for certification approval and meet that date. Numerous FAA technical personnel had made a strong case that the EA–500 was not ready for certification. The burden of when an aircraft is ready to be certified should fall entirely upon the manufacturer, and it should be none of FAA's concern as a matter of policy.

In the Eclipse case, it appears that when design deficiencies were identified that appeared to be non-compliant with FAA certification requirements, senior FAA management became personally involved, overruled lower-level engineers and inspectors, worked diligently to find "work-arounds," to find "alternative approval rationales and techniques," and accepted "IOUs" for later compliance. One broad policy issue that needs further examination relates to the many "loopholes" FAA has at its disposal to find "alternative means of compliance" or "equivalent levels of safety" for certification regulations. Thus, the allegations and findings in this case are cause for concern and suggest the immediate need for a broad policy review of FAA certification practices.

DEEPWATER PROGRAM—UNITED STATES COAST GUARD ("USCG")

The Integrated Deepwater Program ("Deepwater") is a series of procurements being undertaken by the Coast Guard to replace or upgrade its major surface and aviation assets; the procurements are expected to cost $25 billion and take 24 years to complete from the date of the program's inception (2002). The early years of the Deepwater program produced a series of failed procurements, including the failure of an effort to lengthen 110-foot patrol boats to 123 feet, which yielded eight vessels with such extensive hull anomalies they were unsafe to operate and had to be removed from service.

The Committee on Transportation and Infrastructure met on April 18, 2007, to review the results of an investigation of the Deepwater program that probed deeply into the contract management and decision-making processes within the Coast Guard and it contractor partner, Integrated Coast Guard Systems ("ICGS") (comprised of Lockheed Martin Corporation and Northrop Grumman Corporation). The investigation found that the Coast Guard was warned of flaws in the designs proposed to be used to lengthen the 110-foot patrol boats by the U.S. Navy long before the design was finalized. However, offers by the Navy to assist in the evaluation of the initial conversion design or in the investigation and resolution of cracks that occurred in the ships after they were converted were not accepted by the Coast Guard.

The investigation also found that in some cases, substandard information technology equipment was installed on the lengthened patrol boats. For example, "topside" (meaning on the top/outside of the ship) equipment was installed on the 123-foot patrol boat and on a small boat launched from the 123 patrol boats that did not meet Deepwater contract specifications and that may not have been

operational in all weather conditions that the 123 patrol boats and the small boats were expected to encounter. Additionally, cameras were installed on the 123 patrol boats that did not provide a 360-degree field of view around the vessels. Finally, records indicate that there were irregularities in the process for testing and certifying the ships for compliance with TEMPEST standards, which are designed to prevent the leak of classified information.

Testimony presented at the hearing suggested that these problems occurred in large measure because the Coast Guard was operating under a paradigm that required rigid adherence to an aggressive schedule, which was commonly referred to within the CG as "ruthless execution," and which generated bad decisions, design compromises, and the use of the below-standard equipment. Additionally, the Coast Guard failed to properly manage the contracts associated with procurements undertaken in the early years of the Deepwater program—in large part because it did not have an adequate number of properly trained contract and acquisitions management personnel on staff to oversee its contractors.

The hearing resulted in extensive media coverage, including CBS News' 60 Minutes. That same week, the USCG removed ICGS, comprised of Lockheed Martin and Northrop Grumman, as the lead systems integrator ("LSI") of the Deepwater program and announced plans to create an Acquisitions Directorate, which would ultimately take over all LSI responsibilities. The USCG is seeking $96 million in reimbursement from ICGS.

As a result on the investigation, Coast Guard Subcommittee Chairman Elijah E. Cummings introduced H.R. 2722, the "Integrated Deepwater Program Reform Act". The Committee reported the bill and, on July 31, 2007, the House passed H.R. 2722 by a vote of 426–0. The Senate passed a similar bill in December 2007. However, the differences between the House and Senate bills were not resolved at the close of the 110th Congress.

On May 7, 2008, the USCG accepted delivery of National Security Cutter #1, Bertholf. Again, there are deficiencies in the classified C4ISR systems, and the ship has not yet been TEMPEST certified. The Committee continues to monitor the National Security Cutter program, as well as the overall Deepwater Program.

DRUG AND ALCOHOL TESTING PROGRAM OVERSIGHT BY THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

Title 49 of the U.S. Code requires commercial drivers to submit to pre-employment and random drug and alcohol tests. Media reports in spring 2007 documented drug testing facilities that did not meet Federal requirements, potentially providing drug-using drivers opportunities to adulterate or "cheat" on these drug tests. The Committee's investigation found that thousands of products that are designed specifically to cheat a drug test are widely available over the Internet and in retail outlets. The Committee also found that, while industry-wide drug positive rates are approximately two percent, drivers' self-reports of drug use and anonymous testing indicate that actual drug use by commercial drivers is between seven and ten percent. This disparity likely relates, at least in part, to the weaknesses in the drug-testing process. In its investigation of more than 20 private drug-testing facilities, GAO found a mul-

titude of problems, including the availability of liquids (e.g., cleaning supplies) that could be used to invalidate a urine sample which were stored in bathrooms where samples are collected.

On November 1, 2007, the Subcommittee on Highways and Transit held a hearing where these deficiencies were exposed.

On May 15, 2008, GAO issued their final report to the Committee on weaknesses in the drug-testing program. GAO revealed its analysis of drug-test results subpoenaed from a drug testing firm in Texas. The analysis shows the extent to which drug-using drivers can move from job to job without their drug histories following them.

As a result of the investigation, the Committee is developing legislation to tighten the drug-testing process and create a national clearinghouse of drivers who have tested positive for drugs, refused to be tested, or attempted to cheat a drug test.

OPERATION SAFE PILOT: FAILURE TO DISCLOSE MEDICALLY DISQUALIFYING CONDITIONS ON APPLICATIONS FOR AIRMEN MEDICAL CERTIFICATES

In 2005, the DOT IG found thousands of cases of airmen holding current Airman Medical Certificates, while simultaneously collecting full medical disability pay from the Social Security Administration for debilitating medical conditions. These conditions included heart disease, schizophrenia, and macular degeneration. Airmen did not disclose these conditions to the FAA when applying for their Certificates. The DOT IG recommended that FAA periodically compare Certificates to the databases of agencies providing disability benefits and take administrative actions when false statements are identified.

On July 17, 2007, the Subcommittee on Aviation held a hearing on these issues. During the hearing, the FAA committed to establishing such a process. The Committee requested that the DOT IG report on the status of FAA's efforts to conduct this match as well as to report on the security of data contained in the Airman database.

FEDERAL PROTECTIVE SERVICE ("FPS") DOWNSIZING

O&I staff investigated a Department of Homeland Security ("DHS") plan to significantly downsize the Federal Protective Service ("FPS"). Since being transferred from the General Services Administration ("GSA") to DHS, the FPS workforce has steadily shrunk from approximately 1,400 law enforcement personnel to slightly over 800 in 2007. At the same time, the Federal inventory of buildings has increased substantially. The functional replacement value of the GSA's Federal building portfolio is $41.7 billion.

The DHS plan is to make increasing use of contract security guards, who do not have the same authority as law enforcement personnel. The investigation revealed that, under the plan, a large percentage of Federal buildings will not have any protection of Federal law enforcement personnel and will be forced to rely almost entirely upon the negotiation of memoranda of agreement with local police departments. To date, virtually none of these memoranda have been negotiated.

On April 18, 2007, the Committee held a hearing on these issues, which exposed a high level of vulnerability of Federal assets in many communities nationwide.

On December 26, 2007, Congress enacted the Consolidated Appropriations Act, 2008 (P.L. 110–161), which includes a provision that prohibits further cutbacks of FPS officers and requires DHS to restore the number of FPS officers to a minimum of 1,200.

On February 8, 2008, the Subcommittee on Economic Development, Public Buildings, and Emergency Management held a hearing on these issues. GAO released a report on the FPS in June 2008 which disclosed numerous serious security violations and lapses at Federal Buildings across the U.S.

AGING FAA AIR TRAFFIC CONTROL ("ATC") FACILITIES

O&I staff conducted an investigation of the condition of FAA Air Traffic Control ("ATC") facilities. On July 24, 2007, the Subcommittee on Aviation held a hearing on this issue. By the FAA's own admission, terminal radar approach control centers ("TRACON"), towers, and en-route ATC facilities are, on average, relatively old, and are in "fair to poor" condition using GSA Facility Condition Index ("FCI") criteria. Data collected indicates that numerous buildings have severe maintenance problems; and FAA employee reports of health-related problems due to facility conditions are becoming more numerous in various facilities.

In the course of this investigation, FAA managers openly acknowledged that the agency has a substantial maintenance backlog of between $250 and $350 million for repairs at hundreds of facilities. Yet, the FAA's annual budget for facility maintenance and improvement for FY 2006 and FY 2007 was less than $60 million in each year. As a result of this investigation, the FAA immediately began a number of rehabilitation projects and reallocated more money for facility repair.

H.R. 2881, the "FAA Reauthorization Act of 2007", which passed the House on September 20, 2007, includes a historic funding level of $13 billion for FAA Facilities & Equipment. This funding would enable the FAA to make needed repairs and replacement of existing facilities and equipment. In addition, the bill requires the FAA to establish a task force on ATC facility conditions. At the request of the Chairman, the DOT IG is completing a comprehensive audit of FAA management and maintenance of ATC facilities.

WATER QUALITY STANDARDS IN THE GREAT LAKES

Virtual elimination of toxic pollutants in the Great Lakes Basin remains a priority for the United States and Canada, yet pollution levels remain unacceptably high as a result of industrial, agricultural, and residential development.

On July 21, 2007, the Indiana Department of Environmental Management, with agreement from the U.S. Environmental Protection Agency ("EPA"), issued a permit allowing British Petroleum ("BP") to increase its discharge of ammonia and sludge derivatives into Lake Michigan. The permit resulted in a public outcry, with environmentalists and local politicians questioning the veracity of EPA's commitment to Federal laws and International agreements regarding water quality. The Committee scheduled a hearing for

September 6, 2007 on the BP permit process. On August 23, 2007, BP America issued a public statement abandoning the proposed refinery expansion that would require the higher discharge limits.

The Subcommittee on Water Resources and Environment continues to examine the extent to which States are allowing facilities to circumvent the laws and exceed discharge levels for toxic pollutants such as mercury.

PRIVATIZATION OF FAA FLIGHT SERVICE STATIONS

O&I staff conducted an investigation of the FAA contract to privatize Flight Service Stations ("FSS"). On February 1, 2005, the FAA awarded Lockheed Martin a five-year, fixed-price contract (with five additional option years) to operate and modernize the FSS system that provides weather information and flight plan filing services to pilots on the ground and in the air. The contract is worth about $1.8 billion and represents one of the largest non-defense outsourcing of services in the Federal Government. The FAA estimates that by contracting out FSS, it will save between approximately $1.7 and $2.2 billion over the ten-year life of the agreement.

The first phase of the transition to Lockheed Martin management of the FSS system ran smoothly. However, in 2007, Lockheed Martin launched an aggressive implementation plan, declaring its three hub locations operational and consolidating other FSS locations at a rate of three facilities per week. Within days, service to pilots deteriorated dramatically.

On October 10, 2007, the Subcommittee on Aviation held a hearing on the issue. As a result of the investigation, the FAA has significantly tightened management oversight of the contractor. Substantial monetary performance penalties on the contractor have been assessed, and the performance of FSS services began to slowly improve. By the summer of 2008 (the period of highest demand), FSS services had improved dramatically, and the contractor was meeting all FAA-defined performance objectives. However, high fuel prices contributed to less overall demand for FSS services.

RAIL SAFETY REPORTING AND EMPLOYEE HARASSMENT

On Thursday, October 25, 2007, the Committee on Transportation and Infrastructure met in an oversight hearing to examine the impact of railroad injury, accident reporting, and discipline policies on rail safety. The Oversight and Investigations ("O&I") staff conducted an in-depth investigation of railroad employee injury reporting practices. The purpose of this hearing was to examine allegations contained in hundreds of reports from rail employees collected and reviewed by O&I staff suggesting that railroad safety management programs sometimes either subtly or overtly intimidate employees from reporting on-the-job injuries.

It was alleged that many Class I railroads have management programs and policies that inhibit or intimidate employees into not reporting on-the-job injuries. Thus, many injury accidents, that are required to be reported to the Federal Railroad Administration ("FRA"), may be never reported as a result. It is alleged that railroad management personnel invoke pressure upon employees in three common ways: (1) by "counseling" them not to file an injury

report in the first place, subtly suggesting that it might be in their "best interests" not to do so; (2) by finding employees exclusively at fault for their injuries and administering discipline; and (3) by subjecting employees who have reported injury accidents to increased performance monitoring, performance testing, and often followed by subsequent disciplinary action up to, and including, termination.

O&I staff examined many of the Class I railroads' safety management policies for dealing with employee injuries. All of these programs certainly appear intent on preventing injuries, but it is also clear that these programs may create "unintended consequences." A major unintended consequence is that employees generally *perceive* intimidation to the extent that those who are injured in rail incidents are often afraid to report their injuries or seek medical attention for fear of being terminated or severely disciplined. Many of the reports compiled by staff suggest that railroad employees often find themselves the targets of a higher degree of management scrutiny immediately after filing an injury report. The railroads argue that these are "counseling programs" intended to prevent future injuries, but the programs are often perceived by employees as intimidation which inhibits the reporting of injuries in order to escape inevitable management attention in the aftermath of an injury report. Railroads are incentivized to keep their injury reports down in order to escape scrutiny from the FRA.

O&I staff reviewed all of the most recent FRA "Comprehensive Accident/Incident Recordingkeeping Audits" conducted under Part 225 of the FRA regulations for the Class I railroads. According to these audits, FRA found 352 violations for underreporting, with the largest category representing failures to report employee injuries. It is important to recognize that this represents the number of underreported injury events FRA was able to identify by auditing railroad records, but this number does not represent the number of injuries that may have never been reported by employees. In a discussion with O&I staff, the FRA Associate Administrator for Safety stated that she believed that supervisory pressure on employees to not report injuries is a significant issue. When the Agency receives complaints on this subject, FRA does investigate these reports. However, she maintained that FRA simply does not have the resources to investigate the extent of the "harassment" issue.

In 2007, Congress enacted the 9/11 Commission Act of 2007 (P.L. 110–53), which strengthens whistleblower protections for rail workers and contains provisions to strengthen the protection of rail workers against management harassment.

LAX FLEET MANAGEMENT PRACTICES ENABLE GOVERNMENT EMPLOYEES TO IGNORE LOCAL PARKING LAWS AND EVADE FINES

According to the Texas Transportation Institute, traffic congestion continues to worsen in American cities, creating a $78 billion annual drain on the U.S. Economy. Parking restrictions are one way cities manage congestion by providing curb access for commercial deliveries and transit services; as well as providing additional lane capacity during rush hour. During a 6-month investigation, Oversight and Investigations staff found that Federal employees in the District of Columbia ("DC") and New York City ("NYC") in-

curred thousands of dollars in tickets assessed on illegally-parked U.S. Government vehicles. Federal regulations require government workers to pay these fines, but neither DC nor NYC enforces these fines, reducing the incentive for workers to comply with local parking restrictions.

In 2007, 477 parking tickets valued at $63,150 issued to U.S. Government-tagged vehicles were never paid. Nearly one-half of the tickets were for violations of morning or evening rush-hour restrictions, violations that increase congestion by reducing available road capacity. Other ticketed violations included parking on sidewalks, in crosswalks, in handicapped zones, and in front of hydrants. Federal employees in NYC also neglected to pay at least 670 parking tickets valued at $112,456 accumulated through December 9, 2007. Federal employees were able to accumulate large balances of unpaid parking tickets because DC and NYC do not enforce tickets on government-plated vehicles. In fact, local governments have their own parking woes—in DC, city-government vehicles racked up 329 tickets in 2007 with an outstanding value of $33,360. In NYC, state and city vehicles owed, cumulatively, $490,939 on 2,562 outstanding tickets issued through December 9, 2007. In both cities, the agencies charged with enforcing parking laws were the biggest offenders of those laws.

O&I staff issued a report to the Chairman on October 24, 2008 regarding these issues.

THE NATION'S PUBLIC ALERT AND WARNING SYSTEM

Presently, the United States issues emergency warnings through the Emergency Alert System ("EAS")—successor to the Emergency Broadcast System ("EBS")—which relies primarily on broadcast media, and the National Oceanic and Atmospheric Administration's ("NOAA") Weather Radio All Hazards Network. Currently, there are several federal initiatives to improve, expand and integrate these existing warning systems. The Integrated Public Alert and Warnings System ("IPAWS"), which is a public-private partnership for which the Federal Emergency Management Agency ("FEMA") has a leadership role, is the primary initiative regarding testing and developing state-of-the-art technology.

As other Committees became more interested in the public alerts and warning systems, it was clear that we would have the opportunity to solidify the Committee's jurisdiction by authoring a bill to modernize the system and codify it into the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("Stafford Act"). O&I staff and Committee staff worked together and on May 13, 2008, Ranking Republican Member Graves introduced and Chairwoman Norton co-sponsored H.R. 6038, the "Integrated Public Alerts and Warning Systems Modernization Act of 2008." The bill amends the Stafford Act to direct the President to modernize the integrated public alerts and warning system. The bill authorizes FEMA to do much of what it was already doing administratively through the current authorities in the Stafford Act as directed by Executive Order 13407; and as authorized through the Post Katrina Emergency Reform Act, but also establishes FEMA as the clear lead and specifically gives the Administrator of FEMA responsibility for the alerts and warning system and proscribes the Secretary of the De-

partment of Homeland Security ("DHS") from transferring that responsibility outside of FEMA without an Act of Congress.

Additionally, O&I staff had made contact with numerous stakeholders, including the Federal Communications Commission, the National Association of Broadcasters, CTIA—The Wireless Association, Public Broadcasting System, Society of Engineers, Emergency Managers and others, who were very concerned that FEMA did not have an adequate plan or timetable to improve the warning systems nor had FEMA gathered input from stakeholders on technical issues and issues that would directly affect them. After further investigation by the O&I staff, a hearing was held on June 4, 2008. The hearing was successful and found, as we suspected, that FEMA does not have an adequate plan to implement IPAWS and the stakeholders continue to be frustrated as they are not a part of the process.

Further, in 2007, the GAO initiated a study of the functioning of EAS from the perspective of emergency preparedness in government operations. GAO made several recommendations to FEMA and FCC for additional planning and greater involvement of stakeholders. FEMA agreed with the intent of these recommendations, however, after one year several of the concerns raised by GAO still have not been resolved. The Committee sent a letter on July 28, 2008 asking GAO to update its report on the EAS and look at the implementation of IPAWS.

Finally, H.R. 6038, the "Integrated Public Alerts and Warning Systems Modernization Act of 2008" was included in H.R. 2775, "To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to Authorize Funding for Emergency Management Performance Grants, and for Other Purposes." The bill awaits action on the Floor.

CONCENTRATED ANIMAL FEEDING OPERATIONS ("CAFOS")

O&I staff received information from various sources that CAFOs (large industrialized livestock and poultry operations that raise animals in a confined situation) were polluting the air and water ecosystem and that the current Administration has had a poor track record of enforcing environmental regulations. Although agricultural activities are generally not subject to requirements of environmental law, discharges of waste from large CAFOs into the nation's waters are regulated under the Clean Water Act. After an initial investigation, staff found that this was an extremely large and complicated issue and that it was very difficult to find any data and therefore, on May 8, 2007 the Committee asked the GAO to look at several issues related to CAFOs including: trends on CAFOs over the past 30 years; amounts of waste they generate; findings of key research on CAFOs' health and environmental impacts; the recent court decisions on EPA's regulation of water pollutants. GAO informed O&I I staff that the Committee on Energy and Commerce was also looking into these issues and additionally into Environmental Protection Agency's ("EPA") progress in developing CAFO air emissions protocols and urged us to join them in this report.

The report "Concentrated Animal Feeding Operation, EPA Needs More Information and Clearly Defined Strategy to Protect Air

Quality from Pollutants of Concern," was issued on September 24, 2008. The report made some startling findings: No federal agency collects consistent reliable data on CAFOs; the number of CAFOs has increased by 230 percent over the past 20 years from about 3,600 in 1982 to almost 12,000 in 2002; the number of animals raised on large farms has increased from more than 257 million in 1982 to over 890 million in 2002, an increase of 246 percent; EPA lacks reliable, comprehensive data on the number, location and size of CAFO operations nationwide and the amount of discharges they release. EPA has neither the information it needs to assess the extent to which CAFOs may be contributing to water pollution, nor the information it needs to ensure compliance with the Clean Water Act.

Furthermore, the report made several significant conclusions. CAFOs can emit dangerous levels of airborne and waterborne pollutants and these operations can potentially degrade water quality because pollutants in manure such as nitrogen, phosphorus, bacteria and other organic matter could enter nearby water bodies. Also, despite clear evidence of a link between animal feeding operations and impaired water quality, EPA is on the verge of approving a new agency rule that restricts Federal authority under the Clean Water Act to only the most egregious polluters to the Nation's waters. EPA may be less likely to seek enforcement against a CAFO that it believes is discharging pollutants into a water body because it is now more difficult to prove that the water body is federally regulated. The GAO found that a 2006 Supreme Court decision regarding the jurisdiction of the Clean Water Act had also complicated EPA's enforcement of CAFO regulations. In addition, GAO noted that EPA's Assistant Administrator for Enforcement and Compliance Assurance stated in a memorandum the "Rapanos decision and EPA's guidance has resulted in significant adverse impacts to the clean water enforcement program."

The Committee on Transportation and Infrastructure and the Committee on Energy and Commerce released a joint press release on the report. The Committee on Energy and Commerce held a hearing on September 24, 2008 to further investigate the issue. As a result of these significant findings, the Subcommittee on Water Resources and the Environment will conduct additional hearings in the next Congress.

WATER RESOURCES DEVELOPMENT ACT OF 2007

On November 8, 2007, the Water Resources Development Act of 2007 ("WRDA 2007") was enacted over the veto of the President. Since that time, the Committee has aggressively monitored the progress, or lack thereof, of the Department of the Army in implementing the law. As of December 11, 2008, the Corps of Engineers identified 493 specific provisions of WRDA 2007 that require implementation guidance. However, as of that same date, only 92 guidance documents have been issued — an effectiveness rate of less than 20% over the 13 months since enactment. The President's budget request for fiscal year 2009 also failed to request funding for any of the critical projects included in WRDA 2007 that would benefit the economy, improve public safety, and enhance and restore the environment.

The Committee continues to work with the Army and outside groups to ensure that the provisions of WRDA 2007 are implemented and that the projects authorized for construction in that law are carried out.

WRDA 2007 contains many programmatic changes to the civil works program of the Army. The most significant changes are requirements for independent review, improved mitigation for the impacts of corps projects, and revisions to the planning principles and guidelines. The Army has not fully implemented any of these reforms, and the Committee will continue its oversight efforts to ensure that the civil works program is carried out consistent with Congressional intent.

FLOODPLAIN MANAGEMENT

Following the devastating floods in central Iowa and other locations in 2008, the Committee initiated a review of the implementation of the Corps of Engineers floodplain management program under the Water Resources Development Act of 1986 ("WRDA 1986").

In WRDA 1986 Congress required that as a condition of participation in a Federal flood control project local interests prepare and implement a floodplain management program to reduce the likelihood of future flooding and to maintain the level of protection afforded by the Federal project. However, the recurrence of flooding following the construction of protective works in many areas across the Nation calls into question the efficacy of local floodplain management plans and their relation to Federal flood damage reduction efforts.

The Committee learned that implementation of the requirements of WRDA 1986 has been inconsistent across the Nation. For many projects the Corps has no information whether local floodplain management programs exist, or, where such programs do exist, whether the programs are being implemented. The Committee will continue to work with the Army and the Corps of Engineers to improve the quality of local floodplain management plans and the implementation of those plans to reduce future threats to lives and property and protect the value of Federal investments.

MITIGATION FOR WETLANDS LOSSES

As a part of the Committee's ongoing review of the implementation of the Clean Water Act by the Environmental Protection Agency and the Department of the Army, the Committee is reviewing the implementation of the compensatory mitigation program related to activities affecting wetlands.

Under section 404 of the Clean Water Act, the Secretary of the Army is responsible for considering applications and issuing permits for the discharge of dredged or fill material into the waters of the United States, including wetlands. The program is required to be implemented in accordance with guidelines issued by the Administrator of the Environmental Protection Agency. Those guidelines require that when issuing permits the Secretary first require the permit applicant to avoid adverse impacts on wetlands, to minimize those adverse impacts that cannot be avoided, and to mitigate

for any adverse impacts after exhausting efforts to avoid and minimize the impacts.

The implementation of the mitigation program has come under criticism from the Government Accountability Office and the National Research Council, among others. The Committee is reviewing both the requirements of the Secretary for compensatory mitigation and the actual implementation of those requirements. That is, what is the Secretary supposed to do, and is the Secretary actually doing it? These ongoing efforts are being carried out as part of the overall review of the implementation of the Clean Water Act by the Committee and the Subcommittee on Water Resources and Environment.

YAZOO AREA BACKWATER PROJECT

In 2008, the Environmental Protection Agency ("EPA") indicated that it would exercise its authority under section 404(c) of the Clean Water Act to deny the issuance of a permit required for the construction of the Yazoo Area Backwater Project by the Corps of Engineers. If constructed, the project would have consisted mainly of a 14,000 cubic feet per second pumping station to drain areas between the Mississippi and Yazoo Rivers that include between 150,000 and 229,000 acres of wetlands and other waters of the United States. EPA has exercised its authority under section 404(c) only 11 times since it received this authority in 1972. The Committee carefully monitored the process to ensure that it was fair, objective, and in accordance with existing, published procedures. Effective August 31, 2008, EPA denied the issuance of the permit.

Subcommittee on Aviation

1. Funding of the Federal Aviation Administration ("FAA"). The FAA's aviation programs, as well as the authorization of the existing aviation tax structure that provides revenue for the Aviation Trust Fund, will expire in fiscal year ("FY") 2007. During this reauthorization, the Subcommittee will focus on the financial condition of the Airport and Airway Trust Fund ("Aviation Trust Fund"), and possible alternative mechanisms for financing the future needs of the aviation system. For the last few years, revenue into the Aviation Trust Fund has been less than FAA-forecasted amounts, and thus the Aviation Trust Fund's uncommitted cash balance has been depleted. Whether Aviation Trust Fund revenues will be adequate to meet the FAA's needs in the next few years will depend largely on the near-term funding requirements of the Next Generation Air Transport System ("NextGen"). NextGen is envisioned as a major redesign of the air transportation system that will involve precision satellite navigation; digital, networked communications; an integrated weather system; and other features. The FAA is expected to propose the fundamental restructuring of the aviation tax system in the form of a "cost-based" user-fee system. The FAA will submit its proposal to Congress early in the 110th Congress.

HEARINGS

THE PRESIDENT'S FY 2008 FEDERAL AVIATION ADMINISTRATION BUDGET

On February 14, 2007, the Subcommittee held a hearing to consider the Administration's FY 2008 budget request for the FAA. The Administration's request provided approximately $14 billion in FY 2008, approximately $413 million less than the estimated FY 2007 funding level provided by H.J. Res. 20 (the House-passed continuing resolution). Under current law, the FAA's budget is broken down into four programs: operations, Facilities & Equipment ("F&E"); Airport Improvement Program ("AIP"); and Research, Engineering, and Development ("RE&D") (The Science Committee has jurisdiction over the RE&D program).

Under the Administration's budget proposal, FAA's financing sources would shift from a mix of fuel taxes, other excise taxes, and general fund contribution to user fees, fuel taxes and a general fund contribution. The Administration's data indicated that in FY 2008, user fees and excise taxes under the new proposal would hypothetically yield approximately $600 million less in FY 2008 than maintaining the current tax structure; and over $900 million less from FY 2009 to FY 2012. The FAA testified that the new financing structure would be better suited to create a businesslike model for financing and would create a more equitable system for all users; and maintained that the budget would allow FAA to reach its goals for the NextGen. The Department of Transportation Inspector General ("DOT IG") testified that FAA cannot achieve its goal of technologically transforming the National Airspace System ("NAS") with a $2.5 billion (or less) F&E budget—that number would only sustain the existing system, not new initiatives.

The Administration's proposal would also cut the AIP to $2.75 billion, which is $950 million less than the FY 2007 level authorized by Vision 100–Century of Aviation Reauthorization Act ("Vision 100") (P.L. 108–176); and reduce the EAS program to $50 million, which would cut the number of communities that receive funding by almost half. In addition, the DOT IG testified that FAA's Controller Workforce plan lacked facility level staffing standards and associated costs of implementation. The Subcommittee also examined FAA's budget for safety inspector staffing levels and found that FAA may not have an accurate assessment of its staffing needs.

THE ADMINISTRATION'S FEDERAL AVIATION ADMINISTRATION REAUTHORIZATION PROPOSAL

The Administration's FAA reauthorization proposal, the Next Generation Air Transportation Financing Reform Act of 2007, is a three year authorization with an estimated cost of approximately $44.766 billion. Most of the FAA's funding is currently derived from the Aviation Trust Fund. The FAA's proposal would make significant changes to the current Aviation Trust Fund tax structure by eliminating a number of excise taxes, increasing fuel taxes and decreasing the International Arrival/Departure tax. The Subcommittee held a series of hearings in March 2007 regarding the FAA's reauthorization proposal. On March 14, the Subcommittee

held its first hearing on the subject, followed by hearings on March 21 on FAA's Financing Proposal, March 22 on FAA Operational and Safety Programs, and March 28 on FAA's AIP.

Under the FAA's proposal, most of the FAA's revenue would come from new cost-based user fees. In proposing a cost-based user fee, FAA maintains it will better align its costs or services with its revenues, and would operate in a more efficient, business-like manner. Additionally, the FAA stated that its fees would be more equitable to airspace users because users would be charged based on the costs that they impose on the system. The proposal was roundly criticized at the hearing.

As the NAS becomes increasingly crowded, GAO testified at the March 22nd hearing that it was a crucial time to examine the FAA's plans for NextGen in the context of improving the operation and safety of the NAS. GAO testified that as FAA begins to implement NextGen, it needs to focus on coordination with Joint Planning and Development Office ("JPDO") and ensure that FAA has the proper expertise to oversee the project. A major challenge that was highlighted was the transition costs to implement NextGen. GAO also noted that FAA needs to improve its safety data. Labor groups that testified stressed the importance of the Safety Management Systems ("SMS") to increase safety in the NAS through a partnership of the FAA, industry, and labor organizations. FAA testified that it was moving toward creating regulatory requirements for SMS implementation. The Professional Airways Systems Specialists testified that FAA's plan does not address the need for more aviation safety inspectors, which are necessary to increase FAA's oversight of maintenance outsourcing. The National Air Traffic Controllers Association ("NATCA") testified to the need for more controllers to help increase capacity and safety in the NAS; and was critical of FAA's budget for controller staffing. Additionally, NATCA stressed the need for greater input from controllers in shaping the future air traffic control ("ATC") modernization.

The FAA proposed $8.7 billion from FY 2008 to FY 2010 for the AIP, which is $1.8 billion less than the program received in the previous two-year period. At the March 28th hearing, airports testified to their needs for capital for projects like new runways and runway extensions to increase capacity. FAA officials contended that decreased AIP entitlements coupled with a passenger facility charge ("PFC") increase (from $4.50 to $6.00) would provide the FAA and airports with more capital and flexibility to target investments and meet airport capital needs. In addition to raising the PFC cap, FAA's proposal would expand the types of projects for which PFCs can be used to encompass any airport capital project that is eligible to be funded with airport revenue, provided that the project is not anticompetitive.

THE PRESIDENT'S FISCAL YEAR 2009 FEDERAL AVIATION ADMINISTRATION BUDGET

On February 7, 2008, the Subcommittee held a hearing to consider the Administration's FY 2009 budget request for the FAA. The FAA's 2009 request was for $14.64 billion, $272 million less than the FY 2008 enacted funding level. The Administration's FY 2009 budget request provides $2.75 billion for the AIP program—

$764.5 million less than the FY 2008 enacted funding level of $3.5 billion, and $1.15 billion less than the authorized level proposed by H.R. 2881 for FY 2009. For F&E, the Administration requested a slight increase to $2.72 billion, and for operations, $9.0 billion.

In addition, the Administration's FY 2009 budget requested again to transform the FAA's current excise tax financing system to a hybrid cost-based user fee system that would take effect in FY 2010. Under this proposal, which is similar to the FAA's reauthorization proposal from last year, the FAA's financing sources shift from a mix of fuel taxes, other excise taxes, and a general fund contribution to user fees, fuel taxes and a general fund contribution. The Administration's hybrid cost-based user fee proposal was not included in either the House or the Senate versions of FAA reauthorization legislation developed in the 110th Congress.

In addition to the FAA, both the DOT IG and the GAO testified at the budget hearing and raised issues regarding ATC modernization, controller workforce staffing, ATC facility maintenance, airspace congestion, runway safety and safety oversight.

LEGISLATION

H.R. 2881, the FAA Reauthorization Act of 2007, which passed the House on September 20, 2007, provides historic funding levels for the FAA between FY 2008 and FY 2011: $15.8 billion for the AIP; $13 billion for F&E; $37.2 billion for operations; and $1.82 billion for RE&D. The increase in F&E funding will accelerate the implementation of NextGen and enable FAA to make needed repairs and replacement of existing facilities and equipment; and allow for the implementation of high-priority safety-related systems.

The House Ways & Means Committee included a modest increase in the general aviation jet fuel tax rate from 21.8 cents per gallon to 35.9 cents per gallon; and increases the aviation gasoline tax rate from 19.3 cents per gallon to 24.1 cents per gallon to provide for the robust capital funding required to modernize the ATC system, as well as to stabilize and strengthen the Airport and Airway Trust Fund ("Aviation Trust Fund").

2. Evaluation of FAA's Facilities and Equipment Program. The FAA's F&E program includes development, installation, and transitional maintenance of navigational and communication equipment to aid aircraft travel. This program supplies equipment for more than 3,500 facilities, including ATC towers, flight service stations in Alaska, and radar facilities. The F&E program is also the FAA's primary vehicle for modernizing the NAS. Broadly defined, the term "NAS modernization" refers to the FAA's ongoing effort to obtain new surveillance, automation, and communications systems. The FAA's original plan to modernize the ATC system began in the early 1980s and was supposed to be completed by the early 1990s at a projected cost of $12 billion. Unfortunately, NAS modernization has been fraught with significant cost overruns, delays, and high-profile failures—most notably the FAA's original program, the Advanced Automation System ("AAS"). In 1994, the FAA cancelled portions of the AAS program and split the remaining systems into several phases, and in some cases, re-bid the contracts. More recently, the Standard Terminal Automation Replacement System, the Wide Area Augmentation System, and the Airport Surveillance

Radar-Model 11 programs have experienced overruns and schedule slips. The GAO estimates that, to date, the FAA has spent $43.5 billion on NAS modernization. The FAA has been working to address the problems with several of these programs. In fact, both the GAO and the DOT IG have noted improvements in how major acquisitions have been managed since the establishment of the Air Traffic Organization ("ATO"). The DOT IG noted last year that they are not seeing the massive cost growth or schedule slips of the past. The Subcommittee will continue to oversee FAA's major legacy acquisitions and the FAA's attempts to develop and implement the NextGen.

HEARINGS

THE FUTURE OF AIR TRAFFIC CONTROL MODERNIZATION

On May 9, 2007, the Subcommittee held a hearing to consider the future of ATC modernization. The present-day NAS consists of a network of en route airways, much like an interstate highway grid in the sky, interconnected by ground-based navigation facilities that emit directional signals that aircraft track. Limits on the transmission distances of these signals prevent aircraft from flying direct routes on long-distance flights and limit the utilization of airspace to predefined routes where aircraft can reliably transition from one navigational signal to the next. The DOT predicts up to a tripling of passengers, operations, and cargo by 2025. Congress created the JPDO in Vision 100 and tasked it with developing NextGen to meet anticipated traffic demands. The NextGen plan that is under development will consist of new concepts and capabilities for air traffic management and communications, navigations and surveillance that rely on satellite-based capabilities; data communications; shared and distributed information technology architectures that will support strategic decisions; and enhanced automation.

The FAA and JPDO testified to the status of NextGen's various planning and concept documents. GAO and the DOT IG discussed concerns regarding technical and contract management skills at FAA and JPDO's ability to involve key stakeholders in the planning efforts. FAA's Federally Funded Research and Development Center, MITRE, discussed the need to have the entire aviation community involved in the implementation because of the changes needed in aircraft as well as air traffic systems together with procedures and airspace changes. The manufacturing industry shared concerns that the FAA and JPDO need to be more aggressive in taking advantage of near-term solutions and be provided with enough resources to create the regulations, policies and certification approvals needed. Labor reiterated the need to be included in the process, since it will need to operate the system.

THE TRANSITION FROM FAA TO CONTRACTOR-OPERATED FLIGHT SERVICE STATIONS

On October 10, 2007, the Subcommittee on Aviation held a hearing on the transition from FAA to contractor-operated flight service stations ("FSS"), per an investigation by O&I staff. On February 1, 2005, the FAA awarded Lockheed Martin a five-year, fixed-price

contract (with five additional option years) to operate and modernize the FSS system that provides weather information and flight plan filing services to pilots on the ground and in the air. The contract is worth about $1.8 billion and represents one of the largest non-defense outsourcing of services in the federal government. The FAA estimates that by contracting out FSS, it will save between approximately $1.7 and $2.2 billion over the ten-year life of the agreement.

The first phase of the FSS transition to Lockheed Martin ran smoothly. However, in 2007, Lockheed Martin launched an aggressive implementation plan, declaring its three hub locations operational and consolidating other FSS locations at a rate of three facilities per week. Within days, service to pilots deteriorated dramatically. As a result of the investigation, the FAA has significantly tightened management oversight of the contractor. Substantial monetary performance penalties on the contractor have been assessed, and the performance of FSS services began to slowly improve. By the summer of 2008 (the period of highest demand), FSS services had steadily improved, and the contractor was meeting all FAA-defined performance objectives. However, high fuel prices contributed to less overall demand for FSS services.

NEXTGEN: THE FAA'S AUTOMATIC DEPENDENT SURVEILLANCE—BROADCAST ("ADS–B") CONTRACT

On October 17, 2007, the Subcommittee held a hearing to consider the FAA's ADS–B contract. In the United States, ATC surveillance and aircraft separation services are provided by the use of primary and secondary surveillance radar systems, and air traffic controllers who are directly responsible for ensuring adequate separation between aircraft receiving radar services. While radar technology has advanced over the last several decades, it has limitations. ADS–B is the FAA's flagship program to transition to satellite-based surveillance. For the last few years, the FAA has tested and demonstrated ADS–B in Alaska (the "Capstone Program") and the Ohio River Valley ("Safe Flight 21"), and it signed a Memorandum of Agreement with the Helicopter Association International, helicopter operators and oil and gas platform owners in the Gulf of Mexico, to facilitate ADS–B implementation in the Gulf. The FAA awarded a service contract to begin nationwide deployment of ADS–B and published a proposed rulemaking mandating that aircraft operating in certain classes of airspace equip with ADS–B avionics by 2020.

The DOT IG testified at the hearing that realistic expectations of ADS–B benefits must be set and understood, ADS–B must demonstrate the same level of service that radar now provides before advanced capabilities are attempted such as reducing distances between aircraft in congested airspace, and the FAA must execute controls of the service contract for ADS–B to keep cost overruns to a minimum and implementation on schedule. MITRE discussed the benefits of ADS–B are dependent on achieving appropriate ground automation system upgrades, avionics equipage rates, and operational procedure development. Labor testified to its concern that ADS–B be appropriately certified as safe before it is used in the NAS.

BRIEFINGS/ROUNDTABLE MEETINGS

The MITRE Corporation briefed the Aviation Subcommittee on the status of NextGen on February 28, 2007.

On March 15, 2007, the FAA briefed the Aviation Subcommittee on NextGen status.

LEGISLATION

H.R. 2881 provided $13 billion for FAA F&E—the FAA's primary vehicle for modernizing the national airspace system—over $1 billion more than the Administration's proposal. Increased funding will: accelerate the implementation of NextGen; enable FAA to replace and repair existing facilities and equipment; provide for the implementation of high-priority safety-related systems, including systems to prevent runway incursions as well as mitigate weather and aircraft wake vortex hazards. To increase the authority and visibility of the JPDO, which is tasked with developing the plan for NextGen, H.R. 2881 elevates the Director of the JPDO to the status of Associate Administrator of NextGen within the FAA, reporting directly to the FAA Administrator. In addition, H.R. 2881 requires annual reporting on NextGen-related deliverables and contains provisions to hold FAA vendors accountable for providing safe, quality services for ADS–B and FSS. Moreover, H.R. 2881 authorizes GAO, DOT IG, and National Research Council audits and reports related to NextGen that will help Congress exercise its oversight responsibilities. It also establishes a process for including and collaborating with employee groups in the planning, development and deployment of ATC modernization projects, including NextGen.

3. Safety Programs. Due to high costs, many of the airline industry's legacy carriers are resorting to closing their own maintenance bases and are increasing their use of outside maintenance providers to perform critical long-term maintenance, including: airframe repairs, aging aircraft modifications, engine overhauls, and advanced avionics maintenance. At the end of calendar year 2005, nine of the major airlines were spending 62 percent of their approximately $5.5 billion maintenance dollars on outsourced maintenance providers. This increased use of outside maintenance vendors creates several challenges for the FAA, not the least of which is ensuring that it has adequate resources to oversee the organizations actually conducting the maintenance work. The Subcommittee continued to monitor the FAA's ability to oversee air carrier safety programs, including domestic and foreign repair station work. In addition to FAA oversight of aircraft maintenance, the Subcommittee focuses on runway safety, FAA safety rulemakings, fatigue, and other important safety issues.

HEARINGS

THE FEDERAL AVIATION ADMINISTRATION'S OVERSIGHT OF OUTSOURCED AIR CARRIER MAINTENANCE

On March 29, 2007, the Subcommittee held a hearing to review the FAA's oversight of outsourced air carrier maintenance. To stay competitive and avoid bankruptcy, or recover from bankruptcy in

the post-September 11th era, many of the airline industry's legacy air carriers have closed their own maintenance bases and have increased their use of outside maintenance companies to perform critical long-term maintenance, including: airframe repairs, aging aircraft modifications, engine overhauls, and advanced avionics maintenance. Air carriers have chosen to outsource maintenance to reduce costs. In addition, repair stations provide specialized maintenance expertise and equipment in areas such as engine repairs that air carriers do not have in-house. At the time of the hearing, there are approximately 4,231 domestic and 697 foreign FAA-certificated repair stations. Whether maintenance is performed by the air carriers or organizations they contract with, the air carriers are responsible for maintaining oversight and ensuring the quality and safety of the maintenance performed on their aircraft. It is the FAA's responsibility to ensure that the air carriers are conducting their oversight effectively.

The DOT IG, who testified at the hearing, made several recommendations to improve FAA's oversight of air carrier maintenance, including that the FAA must determine trends in air carriers' use of repair stations; find out which repair stations air carriers are using to perform maintenance; perform more detailed reviews of those facilities that air carriers use the most; and take steps to ensure foreign authorities are following FAA standards in conducting inspections. In addition, the DOT IG found that air carriers also use so-called non-certificated repair facilities. While these non-certificated facilities have been used for years for minor maintenance, the DOT IG found that these facilities are performing work that is critical to the airworthiness of an aircraft but without the same oversight and regulatory requirements as certificated repair facilities. The FAA testified that it has responded to several of the DOT IG's recommendations and will continue to increase its oversight of all repair stations.

RUNWAY SAFETY

On February 13, 2008, the Subcommittee held a hearing on runway safety. Airport ground operations include take offs and landings, taxiing operations, movement to and from gates, and the movement of airport ground vehicles to support aircraft and airport operations. Maintaining safe operations in the airport environment is a major concern. A runway incursion is "any occurrence in the runway environment involving an aircraft, vehicle, person, or object on the ground that creates a collision hazard or results in a loss of required separation when an aircraft is taking off, intending to take off, landing, or intending to land." The GAO reported that the rate of runway incursions in 2007 had increased to 6.05 incidents per million operations. This represented a 12 percent increase over 2006 and the highest since 2001.

The GAO testified that the FAA National Runway Safety Plan was out of date and that the Agency's runway safety incursion efforts were uncoordinated. GAO stated that controller fatigue may play a role in runway safety, noting that controllers are working 6-day weeks due to staffing shortages. The GAO recommended that FAA establish a non-punitive system where controllers could report safety risks. Furthermore, the GAO stated FAA needs to improve

its data collection on runway incursion incidents. Finally, the GAO raised concerns regarding delays in the deployment of runway safety systems and technologies.

In its testimony, the FAA testified that it was testing and deploying several new technologies aimed at improving runway safety, including systems that alert pilots and crew to possible obstructions on the runway. FAA has also undertaken efforts to improve runway markings and improve worker training. FAA asked air carriers to conduct reviews of their current procedures, specifically focusing on those activities undertaken by a flight crew between pushback and takeoff, with the objective of limiting the number of distractions for pilots during this critical phase of operations.

CRITICAL LAPSES IN FAA SAFETY OVERSIGHT OF AIRLINES: ABUSES OF REGULATORY "PARTNERSHIP PROGRAMS"

On April 3, 2008, the Committee held a hearing on critical lapses in FAA regulatory oversight: abuses of regulatory partnership programs. The hearing was a result of an investigation by the O&I staff that revealed major systemic problems in FAA regulatory oversight, and the development of an overly "cozy" relationship between the FAA and the airlines it is charged with regulating.

This investigation was stimulated by two FAA inspectors, who provided evidence of major violations of Federal Aviation Regulations. The evidence documented that the FAA maintenance supervisor for Southwest Airlines ("SWA") knowingly allowed the airline to operate aircraft in passenger service in March 2007, well after the inspection deadlines on mandatory Airworthiness Directives ("ADs"). The evidence presented at the hearing demonstrated a systematic pattern of failure to exercise the required regulatory oversight by the FAA office overseeing SWA, and to ensure carrier compliance for years prior to this occurrence. It also suggested that FAA senior management was aware of these abuses of the regulations for nearly a year prior to their disclosure in March 2008 and were seeking to cover it up. On March 6, 2008, the FAA notified SWA of a $10.2 million civil penalty action that were in violation of the AD. Subsequently, SWA grounded an additional 41 planes for inspections.

At the hearing and shortly thereafter, the FAA acknowledged significant lapses in oversight, continued the inspection crackdown, placed several supervisors on administrative leave, and grounded more than 700 aircraft at several major airlines, which resulted in thousands of flight cancellations.

On April 18, 2008, the Secretary announced numerous reforms and appointed an Independent Review Team ("IRT") to evaluate the findings of this investigation and to make recommendations for FAA reform. On September 2, 2008, the IRT presented their report to the Secretary and made 13 recommendations in response to the findings of this investigation. The Secretary has directed the Acting FAA Administrator to implement these recommendations.

RUNWAY SAFETY: AN UPDATE

On September 25, 2008, the Subcommittee met to receive testimony on runway safety. This hearing was a follow-up to the Subcommittee's February 13th hearing on the issue. With an antici-

pated increase in passenger traffic, maintaining safe ground operations for take offs and landings, taxiing operations, and movement to and from gates remains critical. GAO reported that rate of runway incursions had increased to 6.75 incidents per million operations for the first three quarters of FY 2008. As of the hearing date, there were 25 severe runway incursions in FY 2008, which was slightly higher than the previous fiscal year.

GAO indicated that FAA had made significant progress in deploying safety technologies, but noted that FAA still has work to do in addressing human factors by increasing training for pilots and air traffic controllers as well as revising procedures. As of the hearing date, FAA had deployed runway status lights at 22 major airports and Airport Surface Detection Equipment Model-X (known as ASDE–X) was operational at 17 airports. FAA was moving forward with several other technologies to assist pilots and ground crew in enhancing situational awareness, ground markings and signals, and increased taxiing areas.

An executive at the Dallas/Fort Worth International Airport testified that the airport's multi-faceted approach in all of these areas had increased the safety at that airport. The FAA also testified that it is moving forward with work on the human factors by developing a voluntary safety reporting system for air traffic controllers and working with pilots to understand pilot errors. The FAA noted at the hearing that it conducted the first annual Fatigue Symposium to better understand the effect of fatigue in the aviation environment.

FAA AIRCRAFT CERTIFICATION: ALLEGED REGULATORY LAPSES IN THE CERTIFICATION AND MANUFACTURE OF THE ECLIPSE EA–500

On September 17, 2008, the Subcommittee on Aviation held a hearing on FAA aircraft certification: alleged regulatory lapses in the certification and manufacture of the Eclipse EA–500. O&I staff and the DOT IG investigated allegations that the FAA rushed to approve both the type ("TC") and production certifications ("PC") of a new very light jet ("VLJ"), the Eclipse EA–500, despite safety concerns with the design and manufacturing of the aircraft raised by a number of FAA certification engineers and aviation safety inspectors. FAA certification engineers and inspectors who insisted on correction of these design deficiencies before certification were allegedly relieved of their duties with the Eclipse program by senior FAA management and replaced by those more amenable to management's desire to certify the aircraft by an Agency self-imposed deadline of September 30, 2006.

The FAA admitted to mistakes during the Eclipse certification, but it claimed that no Federal regulations were violated. However, when the findings and assertions uncovered in this investigation are viewed in total, there is a disturbing suggestion that there was a "cozy relationship" and reduced level of vigilance on the FAA's part during both the TC and the PC approval process of the EA–500. Based upon the results of the DOT IG investigation, and the conclusions of the FAA's "lessons learned" review, and—most importantly—the problems that continue to impact pilots, the DOT IG thinks that FAA should have exercised greater diligence in certi-

fying the EA–500 design because the EA–500 represented a new class of aircraft.

When design deficiencies were identified that were non-compliant with FAA certification requirements, senior FAA management became personally involved in the certification, overruled lower-level engineers and inspectors, and worked to find alternate means of compliance approval. One broad policy issue that needs further examination relates to the many "loopholes" FAA has at its disposal to find "alternative means of compliance" or "equivalent levels of safety" for certification regulations. Thus, the allegations and findings in this case are cause for concern and suggest the immediate need for a broad policy review of FAA certification practices.

BRIEFINGS/ROUNDTABLE MEETINGS

On June 12, 2008, the FAA Associate Administrator for Safety, Nick Sabatini briefed the Aviation Subcommittee regarding steps being taken by the FAA since the April 3, 2008, Committee hearing on critical lapses in aviation security.

LEGISLATION

H.R. 2881 includes several safety provisions, such as authorizing $42 million for runway incursion reduction programs and $74 million for runway status light acquisition and installation, as well as requiring FAA to develop a plan to install and deploy systems to alert controllers or flight crews to potential runway incursions. This bill increases the number of aviation safety inspectors and also requires safety inspections of foreign repair stations at least twice a year. It requires the FAA to commence a rulemaking to ensure that covered maintenance work (substantial, regularly scheduled and required inspection items) on air carrier aircraft is performed by part 145 repair stations or part 121 air carriers. There are also provisions dedicated to studying fatigue, as well as directing the FAA to initiate action to ensure crewmember safety by applying occupational health standards on-board aircraft.

In addition, on July 22, 2008, the House passed H.R. 6493, the Aviation Safety Enhancement Act of 2008, which addresses several issues raised by FAA whistleblowers and others at the April 3, 2008, Full Committee hearing on "Critical Lapses in FAA Safety Oversight of Airlines: Abuses of Regulatory 'Partnership Programs'". The legislation would create an independent Aviation Safety Whistleblower Investigation Office within the FAA, charged with receiving safety complaints and information submitted by both FAA employees and employees of certificated entities, investigating them, and then recommending appropriate corrective actions to the FAA. It would direct the FAA to modify its customer service initiative to remove air carriers or other entities regulated by the Agency as "customers," to clarify that in regulating safety the only customers of the Agency are individuals traveling on aircraft. In addition, a two-year "post-service" cooling off period for FAA inspectors is established, and FAA is required to rotate supervisory principal maintenance inspectors between airline oversight offices every five years. Monthly reviews of the Air Transportation Oversight System database is required to ensure that trends in

regulatory compliance are identified and appropriate corrective actions are taken.

4. Controller Workforce Staffing. FAA controllers staff some 316 federally operated facilities. The FAA states that to address expected air traffic controller retirements, more than 11,800 controllers will need to be hired through FY 2015. In 2006, the FAA hired 1,116 controllers. Because the total loss of controllers (including retirements) was slightly higher than estimated, the FAA adjusted its hiring in September 2006 to bring in more new hires in that fiscal year. In FY 2007, the FAA plans to hire approximately 1,386 controllers. Currently, the FAA has approximately 2,000 eligible controller candidates on a hiring waitlist. In addition, the FAA has about 2,000 candidates that have been selected by the Central Selection Panels in the last three to six months and are going through the approval process. There are also approximately 500 — 800 Collegiate Training Initiative ("CTI") graduates each year that are added to the hiring pool. However, hiring new controllers is a complex process. Controllers are highly skilled professionals and it takes several years to complete on-the-job training. According to the FAA, the failure rate for controller trainees in both the FAA Academy and in ATC facilities is approximately five and eight percent, respectively. Replacing a controller who retires must begin several years in advance. The Subcommittee will continue to monitor FAA's implementation of its Controller Workforce Plan.

HEARINGS

AIR TRAFFIC CONTROL FACILITY STAFFING

On June 11, 2008, the Subcommittee held a hearing regarding ATC facility staffing issues, including concerns about staffing alignment and training at such facilities. The FAA is experiencing a wave of air traffic controller retirements due in large part to the Professional Air Traffic Controllers Organization strike in 1981, and subsequent firing of a significant number of controllers. This is because most of the FAA's current 14,800 controllers that were hired during the mid to late 1980's to replace fired controllers are now eligible to retire. The FAA states that it will need to hire more than 17,000 controllers through FY 2017. Since the end of FY 2005, the FAA has hired more than 5,000 controllers.

There were 583 controller retirements in 2006, 828 in 2007 and, between 2008 and 2017, the FAA projects that 7,068 of the current controller workforce will retire. In addition, the FAA estimates that an additional 5,316 controllers will leave for other reasons to include promotion, reassignment, resignation and removal. In 2007, the FAA hired 1,815 developmental controllers; in 2008 plans to hire 1,877, and in 2009, the target is 1,914. This pace is expected to continue for at least the next ten years. The FAA's objective is to reach a workforce level, larger than the current one, totaling 16,371, by 2017.

The DOT IG, who testified at the hearing, raised concerns about the ratio of experienced controllers and controller trainees at ATC facilities, which could present safety and operational issues. The DOT IG made a number of recommendations to the FAA, including ensuring that: controller staffing reports reflect the number of de-

velopmental controllers at each individual facility; and realistic standards are established for the level of developmental controllers that the facilities can accommodate. Moreover, NATCA expressed concerns at the hearing that the shortfall in the number of experienced controllers has led to: more controller fatigue because controllers are working longer days for sustained periods; an alleged increase in the number of operational errors; and increased delays because there are not enough controllers available to safely manage demand. The FAA testified that it is on track to meet its hiring goals, and that its staffing ranges for each facility take into account the number of developmental controllers and the training that is required for those controllers.

LEGISLATION

H.R. 2881, directs the FAA to enter into an arrangement with the National Academy of Sciences to conduct a study of assumptions and methods used by the FAA to estimate staffing needs for FAA air traffic controllers, as well as to conduct a study that will assess the adequacy of training programs for air traffic controllers. In addition, this legislation addresses the CTI and directs the Administrator to conduct a study of training options for graduates of these programs. The study will review the impact of providing a new controller orientation session for graduates. As a component of this work the study will analyze the cost effectiveness of this alternative training approach as well as the effect that such alternative training would have on the overall quality of training received by CTI graduates.

5. Airline Industry. U.S. commercial aviation contributes to $1.2 trillion in output and approximately 11.4 million U.S. jobs. Between 2001 and 2005, the aviation industry posted $35 billion in cumulative net losses, including a $5.7 billion net loss in 2005. Contributing to these losses are the economic slowdown, a decline in business travel, the aftermath of the September 11th terrorist attacks, the SARS epidemic, increased competition within the industry, and record fuel prices. Several airlines declared bankruptcy and some continue to restructure through that process. U.S. Airways withdrew its bid to take over Delta Airlines, which is still in bankruptcy. Such a merger could have had an adverse impact on fares, competition, and service to small communities, and also might have sparked other mergers between large network carriers. As to the airlines' future financial condition, an airline association forecasted earnings of $2–3 billion for 2006 and $4 billion for 2007 for U.S. passenger and cargo airlines. However, because airline debt level remains high, this industry is still vulnerable to fuel spikes, recession or other external issues (e.g., terrorism). The Subcommittee will continue to monitor the health of the airline industry and the potential impacts of any industry consolidation.

HEARINGS

IMPACT OF CONSOLIDATION ON THE AVIATION INDUSTRY, WITH A FOCUS ON THE PROPOSED MERGER BETWEEN DELTA AIR LINES AND NORTHWEST AIRLINES

On May 14, 2008, the Subcommittee held a hearing regarding the impact of consolidation on the aviation industry, with a focus on the proposed merger between Delta Air Lines and Northwest Airlines. On April 15, 2008, Delta and Northwest announced an agreement in which the two carriers will merge in an all-stock transaction with a combined value of $17.7 billion. The new airline will retain the Delta brand and will headquarter in Atlanta. The airlines claimed that the transaction will generate more than $1 billion in annual revenue and cost synergies from more effective aircraft utilization, a more comprehensive and diversified route system, reduced overhead and improved operational efficiency.

During the hearing, several concerns were raised about the merger, including decreased competition, higher fares, and deterioration in the quality of service. Opponents argued that a combined Delta/Northwest would be a generally bigger competitor at their hubs (e.g. Atlanta, John F. Kennedy International, Minneapolis-St. Paul), and have a greater ability to discourage competitors from entering the market. Delta/Northwest argued that the growth of low-cost carriers has created new competition that would offset historical regulatory concerns with mergers. However, opponents argue that over-reliance on low-cost carriers is not the answer. Because low-cost carriers do not serve many of the same markets that the large network carriers serve, they may not offer the same benefits as network carriers, such as frequent flier benefits to foreign destinations, and many are struggling financially.

Concerns were also raised about international competition. Delta/Northwest argue that a merger will allow them to compete on a more equal footing with other larger international carriers. However, the three large alliances (Star, SkyTeam and Oneworld), of which Delta and Northwest already belong, dominate the lucrative North Atlantic international market, where significant entry barriers still exist. In addition, many of these alliance partners have antitrust immunity, which allows them to coordinate on prices, capacity and customer service issues. In particular, concerns have been expressed that in the U.S.-Continental Europe market, where immunized alliances (i.e., SkyTeam and Star) already control a significant share of the traffic, the consolidation of U.S. air carriers would further concentrate the market share within these alliances, thereby making it more difficult for new competitors to enter the market.

In addition, customer service and employee integration issues were raised. Witnesses testified that consumer service generally falls by the wayside while integrating cultures, and dealing with employee unrest over potential closing of facilities and the integration of seniority lists.

On October 28, the Department of Justice closed its investigation of the Delta/Northwest proposed merger, thus allowing the companies to consummate the deal.

EFFECTS OF PROPOSED ARRANGEMENT BETWEEN DHL AND UPS ON COMPETITION, CUSTOMER SERVICE, AND EMPLOYMENT

On September 16, 2008, the Full Committee met to examine the effects of the proposed arrangement between DHL and UPS on competition, customer service, and employment. DHL Express ("DHL") and the United Parcel Service ("UPS") are competitors in providing air express package delivery service, in which packages are generally picked up by trucks, moved by air, and then delivered to the ultimate destination by truck. Because DHL is a German company, it is restricted from operating its own air carrier in the United States. For the past few years, DHL contracted with two U.S. air carriers (ABX Air and ASTAR) to provide the airlift portion of its service. DHL was experiencing severe economic losses and contended that it was too costly for it to contract with two separate air carriers. Therefore, on May 28, 2008, DHL and UPS announced that they intended to enter into an agreement for UPS to provide airlift transportation services for DHL's domestic express and international package volume in the United States, and between the United States, Mexico, and Canada.

DHL testified that this agreement would be the only way that it could continue to maintain its presence in the U.S. market due to the economic losses that is has experienced. The proposal has drawn attention because DHL is trying to remain a competitor with UPS, while also handing over its airlift operations to UPS. Moreover, the City of Wilmington, Ohio, where DHL's hub is located, was estimated to lose approximately 10,000 jobs and revenue if this deal is consummated. As of the hearing date, DHL and UPS had not consummated an agreement.

During the hearing, numerous concerns were raised about the effects of the proposed agreement on the express delivery market, including antitrust and anticompetitive concerns. DHL testified that it has no intention of leaving the U.S. market and that this agreement would allow it to remain a viable competitor. Officials from Ohio, including the Mayor of Wilmington, Senator Brown, and the Lt. Governor, and ABX and ASTAR all testified that they would be willing to work with DHL and its air service providers to find an alternative plan to keep DHL's hub in Wilmington and to keep the thousands of jobs that are on the line. Some also contended that the arrangement would be the first step to DHL's complete withdrawal from the United States.

On November 10, 2008, DHL announced it was closing its U.S. domestic air and ground business.

BRIEFINGS/ROUNDTABLE MEETINGS

On July 16, 2008, the Aviation Subcommittee was briefed by experts regarding the impact of fuel prices on the airline industry.

6. International Aviation. On November 18, 2005, the United States and the European Union ("EU") reached agreement on the text of a first-stage comprehensive air transport agreement and related Memorandum of Consultations. If approved by the EU Transport Council, the agreement would replace existing bilateral agreements with the Member States, thus establishing Open Skies between the United States and the entire EU. Although not formally

a part of the Open Skies agreement, the issue of foreign investment in U.S. air carriers became a pivotal issue to the discussions between the United States and the EU. There was strong, bipartisan opposition to a DOT proposal to define evaluation criteria for determining "actual control" of foreign interests on U.S. airlines. In the face of this bipartisan, bicameral opposition, DOT withdrew the proposal on December 5, 2006. The EU has not yet decided whether to endorse the proposed Open Skies agreement without the change in foreign investment policy. The United States and EU are set to resume formal negotiations in February. In addition, the European Commission has developed a legislative proposal to extend its Emissions Trading Scheme to cover civil aviation. The Commission's intent is to cover all flights departing to or from EU airports, including those of non-EU airlines. The United States has serious questions about such an initiative, including the underlying science, the potential for discriminatory impacts, and the legal practicability of a mandatory international system. The Subcommittee will be monitoring these important international aviation issues this session.

HEARINGS

AVIATION AND THE ENVIRONMENT: EMISSIONS

On May 6, 2008, the Subcommittee held a hearing on aviation emission issues. In the last 40 years, aviation emissions per passenger mile have decreased by 70 percent. According to the FAA, aviation carbon dioxide ("CO_2") emissions dropped in the United States by 4 percent between 2000 and 2006, at the same time, commercial aviation moved 12 percent more passengers and 22 percent more freight. Without further improvements to engine, airframe technology, or air traffic management, preliminary computations by FAA show that aviation noise and emissions are likely to increase by 140–200 percent by 2025.

Historically, most of the substantial aviation environmental gains have come from new technologies. The FAA's goal is to encourage a fleet of quieter, cleaner aircraft that operate more efficiently with less energy. FAA states that implementation of NextGen will have a dual impact of modernizing the aviation system while providing benefits to the environment, including reducing the number of people exposed to significant noise and emissions levels and aircraft fuel consumption rates. Both airline and airport representatives testified that there are great incentives to reduce emissions, especially with increased fuel costs. Air carriers are employing a wide variety of procedures to reduce fuel consumption, including: single-engine taxi procedures and selective engine shutdown during ground delays; cruising longer at higher altitudes and employing shorter, optimizing flight planning for minimum fuel-burn routes and altitudes and by using newer aircraft. Fuel costs are also motivating air carriers, airports and manufacturers to look at innovations in alternative fuels to decrease long-term cost and emissions.

A representative from the EU also briefed the Subcommittee about its proposed directive to cover civil aviation under its Emissions Trading Scheme ("ETS"), which is intended to reduce CO_2

and other greenhouse gases. The proposed directive unilaterally includes the United States and other non-EU airlines and sidesteps the normal process for dealing with aircraft emissions through the ICAO and international air service agreements. Hearing participants roundly criticized this EU unilateral directive.

LEGISLATION

With regard to foreign investment, H.R. 2881 clarifies the term "actual control" as it pertains to the definition of a "citizen of the United States." This provision states that an air carrier shall not be deemed to be under the "actual control" of U.S. citizens unless U.S. citizens control all matters pertaining to the business and structure of the air carrier, including operational matters such as marketing, branding, fleet composition, route selection, pricing and labor relations.

H.R. 2881 also includes a sense of Congress that the EU directive should not extend its emissions trading proposal to international civil aviation without working through the ICAO.

7. Security Programs. Congress passed the Intelligence Reform and Terrorism Prevention Act of 2004 to implement the recommendations of the 9/11 Commission. This legislation also included aviation security provisions, such as pilot licensing, biometrics technology for airport access control, screening technology at airport passenger check points and checked baggage systems, and missile defense systems for civil aircraft. The Subcommittee will continue its oversight responsibility of programs administered by the Department of Homeland Security and the Transportation Security Administration on matters that directly affect the civil aviation system.

HEARINGS

AVIATION SECURITY: AN UPDATE

On July 24, 2008, the Subcommittee held a hearing to review updates on aviation security. Before the terrorist attacks of September 11, 2001, aviation security in the United States was shaped largely as a result of past events such as the proliferation of domestic hijackings between 1961 and 1972 and the 1988 bombing of Pan Am flight 103. Following the attacks of September 11, 2001, Congress made significant changes to aviation security policy and strategy, including federalizing the screener workforce and requiring 100 percent screening of carry-on and checked baggage. On March 26, 2007, the U.S. Department of Homeland Security released the National Strategy for Aviation Security; the strategy aligns federal government aviation security programs and initiatives into a comprehensive and cohesive national effort involving appropriate federal, state, local, and tribal governments and the private sector to provide active layered aviation security for the United States.

The hearing focused on progress made in aviation security with regard to screening procedures and technologies, domestic passenger air cargo, secure flight—United States visitor and immigrant status indicator technology, and foreign repair stations. Special focus was paid to screening procedures and technologies includ-

ing: passenger and carry-on baggage screening; checked baggage screening; employee screening pilot program; transportation security officers staffing; crew personnel advanced security system; registered traveler program; and biometrics. The Assistant Secretary of Homeland Security highlighted TSA's new "checkpoint evolution," which includes improved security, better training, process, and technology. GAO reported that TSA made limited progress in developing and deploying checkpoint technologies; it had a large challenge to screen 100 percent of cargo; and continued challenges with development and implementation of the Secure Flight program. Others within the aviation community shared their positions on TSA's checkpoint evolution, other security projects, process and technologies.

BRIEFINGS/ROUNDTABLE MEETINGS

On March 8, 2007, TSA Administrator Kip Hawley presented a classified briefing covering a variety of aviation security issues.

On April 17, 2007, TSA Administrator Kip Hawley presented a classified briefing regarding airport passenger checkpoint screening, covert tests, staffing, airport worker screening, and technology.

On August 1, 2007, TSA Administrator Kip Hawley presented a classified briefing on aviation threats.

On June 24, 2008, TSA Administrator Kip Hawley presented a classified briefing on aviation security threats around the world.

8. National Transportation Safety Board ("NTSB"). The NTSB investigates many transportation accidents, including aviation accidents and major highway, railroad, pipeline, maritime, and public transit accidents. After investigating an accident, the NTSB determines the probable cause(s) of the accident and issues a formal report. This process typically takes from nine to eighteen months. The NTSB is statutorily required to make a probable cause determination on all aviation accidents. In general, the NTSB relies upon the FAA to conduct the on-scene investigation on its behalf for most non-fatal aviation accidents and for some fatal aviation accidents in which the cause is obvious and there is little chance of deriving a safety benefit from the investigation. The Aviation Subcommittee traditionally takes the lead on reauthorization of the NTSB, even though the NTSB investigates many transportation accidents, including aviation, highway, marine, rail, and pipeline. The NTSB reauthorization will expire at the end of FY 2008. The Subcommittee will continue its oversight of the NTSB and of any recommendations made to the FAA on aviation safety.

HEARINGS

THE NATIONAL TRANSPORTATION SAFETY BOARD'S MOST WANTED AVIATION SAFETY IMPROVEMENTS

On June 6, 2007, the Subcommittee held a hearing regarding the National Transportation Safety Board's Most Wanted Aviation Safety Improvements. Since 1990, the NTSB has issued a list of its Most Wanted Safety Improvements ("Most Wanted") to focus attention on safety issues the NTSB thinks will have the greatest impact on transportation safety. For 2007, the NTSB identified the following issues as its Most Wanted for aviation: aircraft icing; fuel

tank flammability; runway incursions; improved audio and data recorders; fatigue; and part 135 crew resource management. The NTSB noted that FAA's response to most of these recommendations has been unacceptable because the Agency either was not responsive to its recommendation or its progress was too slow. FAA testified that it had issued airworthiness directives for many of safety recommendations or had initiated rulemaking projects; and it was still conducting research on some of the issues.

REAUTHORIZATION OF THE NATIONAL TRANSPORTATION SAFETY BOARD

On April 23, 2008, the Subcommittee held a hearing to consider the reauthorization of the NTSB, which was authorized through September 30, 2008. In addition to investigating accidents, the NTSB conducts safety studies, and evaluates the effectiveness of other government agencies' programs for preventing transportation accidents.

The NTSB's three-year reauthorization request includes additional funding, additional staff, and statutory changes. The FY 2009 President's budget requested $87.9 million for the NTSB, which is $3.392 million above the FY 2008 enacted level and is for pay raises, benefit cost increases, and inflation. The FY 2010 ($107 million) and FY 2011 ($113 million) authorization request levels are based on increasing the number of NTSB staff to 475 full-time-equivalent employees.

The NTSB's reauthorization proposal included requests for explicit authorization to: investigate incidents; issue subpoenas for financial records, obtain medical records under the same conditions and protections as a public health authority receives such information under the Health Insurance Portability and Accountability Act; protect trade secrets and similar commercial or financial information from release under the Freedom of Information Act; enter into multi-year leasing contracts; expend appropriated funds to conduct an accident investigation in a foreign country; investigate "commercial space launch" accidents; and other items to aid investigations.

In addition to the NTSB Chairman, Mark Rosenker, the GAO also testified at the hearing. The GAO's testimony included a review of NTSB's general management structure and capabilities.

Subcommittee on Coast Guard and Maritime Transportation

1. Maritime Transportation Security. The Maritime Transportation Security Act of 2002 (P.L. 107–295) and the Coast Guard and Maritime Transportation Act of 2004 (P.L. 108–293) established numerous measures to enhance the security of the U.S. Maritime Transportation System. The Subcommittee continued oversight of the Coast Guard's efforts to improve security in U.S. ports and waterways and on vessels transiting in U.S. waters. The Subcommittee oversaw the implementation of measures to enhance port security and examined the current port security and vessel security programs and determined the areas that remain to be addressed.

HEARINGS

The Subcommittee held four hearings on maritime transportation security, two on the security of Liquefied Natural Gas ("LNG") facilities and two on the Transportation Worker Identification Credential program.

SAFETY AND SECURITY OF LIQUEFIED NATURAL GAS AND THE IMPACT ON PORT OPERATIONS

On April 23, 2007, the Subcommittee conducted a field hearing in Baltimore, Maryland, to examine the safety and security of LNG terminals and their impact on port operations. The hearing also examined the proposed AES Sparrows Point LNG terminal at Sparrows Point in the Port of Baltimore to assess its potential impact on the safety and security of the City of Baltimore as well as on the operations of the Port of Baltimore.

Testimony indicated the Coast Guard turned some responsibilities for providing waterside security around the terminal and tankers to the Cove Point LNG facility terminal operator, which contracted with the local sheriff's department for security services. The Coast Guard did this to ease the demands placed on their limited resources.

SAFETY AND SECURITY OF LIQUEFIED NATURAL GAS

On May 7, 2007, the Subcommittee convened a field hearing in Farmingville, New York, and examined the safety and security of LNG terminals and their impact on port operations. The hearing also examined the proposed Broadwater floating LNG terminal in Long Island Sound.

In its Waterway Suitability Report for the proposed Broadwater terminal, the Coast Guard indicated that based on its current levels of mission activity, Sector Long Island did not have adequate resources to implement the measures it considered necessary to manage the risks to navigation safety and maritime security associated with the proposed terminal. Captain Mark O'Malley, Chief of Ports and Facilities Activities with the Coast Guard, testified that given the costs associated with conducting waterway assessments for each of the approximately 40 proposed terminal projects going through some stage of the regulatory process as well as the Coast Guard's challenges in identifying resources to provide security around proposed terminals, that it would make sense from the Coast Guard's perspective for the U.S. to have a national LNG terminal siting policy.

TRANSPORTATION WORKERS IDENTIFICATION CARD SYSTEM

On July 12, 2007, the Subcommittee met to examine the Transportation Worker Identification Credential ("TWIC") program. The TWIC program was established by the Maritime Transportation Security Act of 2002 to ensure that transportation workers who have access to secure areas of maritime facilities do not pose a terrorism security risk. The Subcommittee convened the hearing to learn about the administrative issues that delayed the implementation of the program for years and whether the appeal process for transportation realistically assessed the likelihood the applicant

posed a terrorism security risk. At the conclusion of the hearing, it remained unclear whether the Transportation Security Administration could issue all TWICs to those who needed one by the September 2008 implementation deadline. Additionally, testimony indicated the rules that will guide the development of the readers that are needed to enable the TWIC to be used to control access to secure locations had not been finalized and the Coast Guard could not state when these would be issued.

TRANSPORTATION WORKERS IDENTIFICATION CARD SYSTEM—FOLLOW UP

On January 23, 2008, the Subcommittee examined the continued roll-out of the Transportation Worker Identification Credential ("TWIC"). Active enrollment had been underway for approximately 90 days at the time of the hearing. Testimony presented at the hearing revealed that initial estimates of the population that would enroll were far too low. TSA estimated that approximately 750,000 people would enroll but updated estimates were over one million people. Workers as well as port authorities, such as the Maryland Port Administration, revealed glitches at several enrollment centers that had caused unacceptable inconveniences for those seeking to enroll. Although the deadline for enrollment had been established as September 25, 2008, the Coast Guard had not announced the dates by which the Captain of the Port zones would begin phasing in use of the card as an access control measure. Further, the Coast Guard had not yet completed a planned rulemaking that would specify which vessels would be required to install readers to utilize the TWIC to control access to secure areas.

LEGISLATION

On April 24, 2008 the House passed H.R. 2830 the "Coast Guard Authorization Act of 2008" which requires that as new liquefied natural gas ("LNG") terminals are approved, all of the resources necessary to adequately secure these terminals are in place.

2. Programmatic Changes to the Integrated Deepwater System Program. The Coast Guard continued their multi-year asset recapitalization program, the Integrated Deepwater System ("Deepwater") program. The Subcommittee continued its oversight of the program and investigated problems with the acquisition that had led to eight of the 123-foot patrol boats that were altered to be taken out of service because they are unsafe to operate. The Subcommittee examined the issues regarding the design and construction of the National Security Cutters and whether they would be able to provide service to the Coast Guard for their full 30-year projected life without structural problems. The Subcommittee examined the impacts of Deepwater spending on the Coast Guard's other capital asset needs.

HEARINGS

OVERSIGHT HEARING OF COAST GUARD INTEGRATED DEEPWATER SYSTEM

On January 30, 2007, the Subcommittee received testimony regarding the Coast Guard's Integrated Deepwater System program ("Deepwater"). Deepwater is a series of procurements expected to replace or upgrade all of the Coast Guard's surface and air assets over a 25-year period at a cost of $24 billion. The Subcommittee heard testimony from the Coast Guard Commandant, Admiral Thad Allen, Dr. Leo Mackay, President of Integrated Coast Guard Systems, and Mr. Phillip Teel, President of Northrop Grumman Ship Systems. The Subcommittee considered the findings of a report released by the Department of Homeland Security's Office of Inspector General ("DHS IG"), which indicated that the National Security Cutter ("NSC"), the largest asset to be procured under Deepwater, suffered from extensive design flaws that would likely reduce its service life. The DHS IG's report suggested that the Coast Guard and its contractors knowingly built the ship with a flawed design that would require expensive repairs and would not meet the service requirements of the Deepwater contract.

COAST GUARD BUDGET AND AUTHORIZATION FOR FISCAL YEAR 2008

On March 8, 2007, the Subcommittee considered the Administration's Fiscal Year ("FY") 2008 budget requests for the U.S. Coast Guard. The subcommittee also received additional testimony from the Coast Guard—as well as the Inspector General of the Department of Homeland Security ("DHS IG") and the General Accountability Office on the Deepwater Acquisition Program.

Regarding the Deepwater procurements, the DHS Inspector General, Mr. Richard Skinner, testified that the Coast Guard had difficulty holding contractors working on the Deepwater procurements accountable since asset operational and performance requirements were poorly defined. He also testified that the Coast Guard did not have the right number of staff—or the right mix of professional expertise—to manage the Deepwater acquisitions. Mr. Skinner emphasized that because there is no career path for military personnel in the Coast Guard to pursue appointment to acquisitions-related positions, it was difficult to ensure that these personnel receive the training and experience they need to manage a major acquisition.

LEGISLATION

On July 31, 2007 the House passed H.R. 2722, the "Integrated Deepwater Program Reform Act". The bill H.R. 2722 made significant changes in the Coast Guard's management of its Deepwater acquisition programs, which constitute a series of procurements intended to replace or upgrade the Coast Guard's surface and aviation assets over a 25-year period at a cost of $24 billion. To prevent such failures in future procurements under Deepwater, H.R. 2722 eliminated the use of a lead systems integrator, i.e., private firms hired by the Coast Guard to manage almost all aspects of the implementation of the Deepwater program, to include the manage-

ment of the procurement of individual assets purchased under the program. The bill required the use of full and open competition for all Deepwater procurements to help control costs and ensure the Coast Guard received the best value for taxpayers' resources, and it required third-party certification of assets to ensure that they meet all contractual and quality standards. Further, the bill required the appointment of a civilian as Chief Acquisitions Officer to bring to the critical position the professional experience and expertise that is not currently cultivated among uniformed Coast Guard officers.

On September 27, 2008 the House passed H.R. 6999, the "Integrated Deepwater Program Reform Act of 2008". H.R. 6999 is based on Deepwater reform legislation, H.R. 2722 that passed the House in 2007 and on S. 924, which also passed the Senate, strengthened the Coast Guard's ability to manage its major acquisitions efforts, to include those conducted under the 25-year, $25 billion Deepwater program. H.R. 6999 required the Coast Guard to eliminate the use of all private sector lead systems integrators by October 2011—the same date on which their use is phased out in the Department of Defense. The legislation also required the conduct of an alternatives analysis before the service procures an experimental, technically immature, or first-in-class major asset. Further, the bill required the regular submission of acquisition program reviews to Congress—including notification of cost overruns and schedule delays—so that Congress would be made aware of emerging issues before they become crises. The bill created in statute the position of Chief Acquisitions Officer and required that it be filled with a fully qualified individual who can, at the Commandant's choosing, be a civilian member of the senior executive service or a uniformed member of the Coast Guard but who must, in either case, have a Level III Acquisitions qualification and 10 years of experience managing acquisitions efforts. The bill required independent, third-party certification of assets—and required appropriate testing be performed on asset designs so problems could be identified before construction of an asset begins.

Additionally, H.R. 6999 made it a crime to operate a submersible or semi-submersible vessel that is not registered in any country. Such vessels are often used to smuggle illegal drugs into the United States.

3. Status of Coast Guard Legacy Assets. The Deepwater program was designed to replace or refit existing Coast Guard vessels and aircraft over a 24-year schedule. However, the Coast Guard continued to rely on its legacy fleet of vessels and aircraft until the new assets are procured under the Deepwater program. The Subcommittee continued to be extremely concerned about the safety of Coast Guard personnel who serve aboard the vessels and aircraft as well as the Coast Guard's ability to successfully carry out its many missions aboard these assets. The Subcommittee held hearings to investigate the status of the Coast Guard's legacy assets and the possibility of accelerating the procurement of replacement assets under the Deepwater program.

The Committee held three hearings on the Coast Guard Deepwater program [as outlined above], and adopted two pieces of legis-

lation—H.R. 2722 and H.R. 6999—to address the oversight of Coast Guard acquisitions.

4. The Coast Guard's Traditional Missions. The Coast Guard is a unique government entity that is both a uniformed military service and a federal agency with regulatory and enforcement responsibilities. The Subcommittee continued to oversee the Coast Guard's traditional missions that include search and rescue, the protection of marine safety, the maintenance and establishment of aids to navigation, icebreaking operations, fisheries law enforcement, marine environmental protection, and drug and migrant interdiction to ensure the Service maintained its capabilities to carry out its many and varied missions in addition to its increasing homeland security responsibilities. The Subcommittee gave particular attention to whether the Coast Guard had sufficient assets to respond to any mass migration event from Cuba that may occur.

HEARINGS

COAST GUARD BUDGET AND AUTHORIZATION FOR FISCAL YEAR 2008

On March 8, 2007, the Subcommittee met to consider the Administration's Fiscal Year ("FY") 2008 budget requests for the U.S. Coast Guard. The Subcommittee received additional testimony from the Coast Guard—as well as the Inspector General of the Department of Homeland Security ("DHS IG") and the General Accountability Office on the Deepwater Acquisition Program. With regards to the Coast Guard's fiscal year 2008 budget request, testimony indicated proposed funding levels for search and rescue, marine safety, aids-to-navigation, icebreaking, and the protection of living resources were all lower than amounts that were appropriated for these purposes in fiscal year 2007. Commandant Allen testified about specific capital needs that were unmet in the fiscal year 2008 budget request, particularly capital to upgrade housing facilities.

5. Mission Balance. After the events of September 11th, the Coast Guard was identified as the lead federal agency with responsibilities over maritime homeland security. The Coast Guard incorporated the increased responsibilities with the many traditional missions that the Service continues to carry out each day. The Subcommittee remained concerned about the balance between the Coast Guard's homeland security and traditional missions. The Subcommittee continued to oversee the Coast Guard's mission performance to determine if the Service has the resources necessary to both protect homeland security and carry out its important traditional missions in U.S. waters. [see traditional missions above]

6. Short Sea Shipping. Transportation experts identified the benefits for developing short sea shipping as part of the national transportation system. Development of short sea shipping could increase the national freight capacity, decrease congestion, improve air quality, and reduce the need to build other infrastructure. The Subcommittee conducted an oversight hearing on the challenges to developing a short sea shipping system in the coastwise trade of the United States and what the role of the Federal Government could be in the development of the freight and passenger transportation system.

HEARING

OVERSIGHT HEARING OF COAST GUARD SHORT SEA SHIPPING SYSTEM

On February 15, 2007, the Subcommittee examined the state of short sea shipping—the waterborne movement of commercial freight between two ports in the United States or between ports in the United States and Canada—and identified the impediments that limited the growth of short sea shipping. Witnesses who testified included: Mr. Collister Johnson, the Administrator of the St. Lawrence Seaway Development Corporation, and Mr. Greg Ward, Vice President of the Detroit-Windsor Truck Ferry. They stated that one of the greatest impediments to the development of short sea shipping is the Harbor Maintenance Tax, a tax assessed on cargo loaded or unloaded at a U.S. port at the rate of $125 per $100,000 of cargo value. The tax was identified as a factor that limited the growth of short sea shipping since it is not applied to cargo movements on other transportation modes, which made it difficult to collect (since it is assessed on an ad valorum basis), and because cargo can be double-taxed under certain circumstances.

LEGISLATION

On December 19, 2007 Title XI of H.R. 6, the Energy Independence and Security Act of 2007 became Public Law 110–140 and established a short sea shipping program in the Department of Transportation.

7. Marine Safety. The Subcommittee conducted oversight hearings on safety issues in the U.S. maritime industry, including on commercial fishing vessels. The Subcommittee will also oversee the marine casualty investigation program of the Coast Guard to ensure that this program gathers and provides the information needed to continue to make U.S. marine transportation safer.

HEARINGS

The Subcommittee held three hearings on marine safety to include: fishing vessel safety, the challenges facing the marine safety program and the management of the marine casualty program.

FISHING VESSEL SAFETY

On April 25, 2007, the Subcommittee examined the safety of U.S. commercial fishing vessels and the extent to which the provisions of the Commercial Fishing Industry Vessel Safety Act of 1988 (P.L. 100–424) led to improved safety in the industry. Witnesses included representatives from the Coast Guard, researchers, trainers, and fishermen. They supported taking additional steps to improve safety in America's most hazardous industry. Safety measures that were recommended for consideration included: increased requirements for training of commercial fishing vessels operators, increased pre-season safety compliance checks and mandatory dockside examinations, imposed regulatory parity on all vessels that operate beyond three nautical miles of the coast, and the expedited promulgation of pending safety regulations, to include those with regard to the stability on smaller fishing vessels.

CHALLENGES FACING THE COAST GUARD'S MARINE SAFETY PROGRAM

On August 2, 2007, the Subcommittee examined the "Challenges Facing the Coast Guard's Marine Safety Program." The marine safety program, within the Coast Guard, regulates maritime transportation, including issuing official credentials to mariners, inspecting vessels for compliance with design and safety standards, and investigating accidents that occur in the marine environment (called marine casualties). The Subcommittee expressed their concerns that after the Coast Guard assumed significant new homeland security missions following the events of September 11, 2001, the service may have lost expertise in these regulatory missions, particularly given the increasing complexity of the maritime industry. Witnesses representing industry and labor criticized the Coast Guard's marine safety performance, and indicated they believed those assigned to marine safety functions were not always competent to conduct thorough inspections. Several witnesses suggested the Coast Guard should civilianize billets related to marine safety to ensure their personnel developed professional expertise and continuity in a single geographic area. The Coast Guard Commandant, Admiral Thad Allen, testified the service had developed a substantial backlog of rulemaking projects that had not yet been completed due to the resource demands facing the service. Admiral Allen also promised to develop a "marine safety enhancement program" to address these issues.

On November 20, 2008, the Coast Guard promulgated the Marine Safety Performance Plan. The plan establishes what the Marine Safety Program intends to accomplish in the next five years to include: improving recreational boating safety, reducing towing vessel casualties, improving service to mariners, industry and the public and improving marine inspector and investigator capacity and performance to match industry growth.

COAST GUARD AND NTSB CASUALTY INVESTIGATION PROGRAM

On May 20, 2008, the Subcommittee examined a report from the Department of Homeland Security's Office of the Inspector General ("DHS IG") entitled "United States Coast Guard's Management of the Marine Casualty Investigation Program" (OIG–08–51, May 2008). The Subcommittee received testimony from the National Transportation Safety Board ("NTSB") and the Coast Guard regarding which agency should exercise primacy in the conduct of marine casualty investigations. The NTSB and the Coast Guard shared responsibility for investigating marine casualties under a Memorandum of Understanding ("MOU"). The NTSB testified that the MOU has proven awkward in cases in which the NTSB had elected to conduct an investigation only to find that in some instances, the Coast Guard has failed to preserve vital evidence. The NTSB testified in support of a proposal to have the option to elect to lead or have primary status in major marine investigations. NTSB stated that it had similar authority for other modes of transportation, and that its proposal in the maritime arena was intended to provide clear authority to enable the Board to take the lead in the immediate aftermath of a marine casualty. The Coast Guard strongly opposed the NTSB's proposed legislative change.

LEGISLATION

On April 24, 2008 the House passed H.R. 2830 the "Coast Guard Authorization Act of 2008" which included Title XI: Marine Safety that which mandated improvements to the marine safety program and increased the training requirements for marine inspectors and investigators.

8. Maritime Education, Training, and Recruitment. Segments of the U.S. maritime industry are having difficulty recruiting and retaining personnel. Many mariners are retiring. In addition, it may be difficult for individuals employed in the maritime industry to meet increased licensing and certification standards due to the cost of the programs. The Subcommittee will hold a hearing on the training, recruitment, and retention requirements in the U.S. maritime industry.

HEARING

MARINER EDUCATION AND THE WORK FORCE

On October 17, 2007, the Subcommittee received testimony on trends and innovations in mariner education and assessed how growing workforce shortages will affect the maritime industry as trade continues to increase. The hearing considered the possible impact of various factors on workforce shortages to include: wage levels, lifestyle challenges associated with employment in the maritime industry and training requirements imposed by the Standards of Training, Certification, and Watchkeeping ("STCW") Convention. Witnesses testified about the significant challenges they have recruiting and retaining vessel personnel; they also discussed the challenges mariners face moving from entry-level jobs on deck up to the wheelhouse to become Masters or from entry level position in the engine room to Chief Engineers (known as hawsepiping). Witnesses suggested that federal assistance could be provided to support mariner education programs. The Administrator of the United States Maritime Administration, Sean Connaughton, indicated the maritime industry is experiencing a major recapitalization in practically every segment of the U.S. merchant fleet. He stated the towing, passenger, and offshore operators reported workforce shortages and that the Maritime Administration conducted a survey to identify trends in the mariner workforce to see the true magnitude of the mariner shortage.

9. Oil Pollution Act of 1990. The Subcommittee will continue to oversee the Coast Guard's efforts to prevent and respond to oil spills under the Oil Pollution Act of 1990, in coordination with the Subcommittee on Water Resources and Environment.

HEARINGS

The Subcommittee held three hearings on the Oil Pollution Act of 1990, two on the allision of the M/V COSCO BUSAN with the San Francisco-Oakland Bay Bridge on November 7, 2007 and another on the July 23, 2008 collision between a barge and tanker ship which resulted in a 282,828 gallons oil spill on the Mississippi River near New Orleans, Louisiana.

SAN FRANCISCO: NOVEMBER 2007 OIL SPILL CAUSES AND RESPONSES

On November 19, 2007, the Subcommittee held a field hearing in San Francisco, California and received testimony regarding the spill of 58,000 gallons of fuel oil into San Francisco Bay that occurred when the M/V COSCO BUSAN allided with the San Francisco-Oakland Bay Bridge on November 7, 2007. The Coast Guard initially stated that approximately 140 gallons were released following the allision but nine hours later publicly announced the size of the spill was approximately 58,000 gallons. The Coast Guard indicated the delay in calculating the full size of the spill did not delay or affect the size of the response to the oil spill. The Coast Guard's preliminary investigation of the incident did not discover any vessel mechanical or system problems; human error was believed to be the most probable cause.

COSCO BUSAN AND MARINE CASUALTY INVESTIGATION PROGRAM

On April 10, 2008, the Subcommittee received a report from the Department of Homeland Security's Office of the Inspector General ("DHS IG") entitled "Allision of the M/V COSCO BUSAN with the San Francisco-Oakland Bay Bridge." The report was completed pursuant to a request made by Speaker of the House Nancy Pelosi and Subcommittee Chairman Elijah E. Cummings on December 4, 2007. The IG was critical of the Coast Guard's investigation of this marine casualty. They found that five of the six individuals assigned to marine casualty investigator billets were not qualified for those positions; all three of the individuals who responded to the COSCO BUSAN were unqualified as marine casualty investigators. Likely as a result of inadequate training and experience—and the use of inadequate manuals—the investigators who responded to the COSCO BUSAN failed to identify, collect, and secure perishable evidence related to this casualty. Additionally, the Coast Guard incorrectly classified the investigation of the COSCO BUSAN casualty as an informal investigation rather than a formal investigation.

During the hearing, the Subcommittee also examined the sinking of the Fishing Vessel ALASKA RANGER on March 23, 2008, which caused the deaths of five crewmembers (including the Master, the Mate, Chief Engineer, the Fishing Master, and a crew member). The incident is the subject of two on-going investigations by a Coast Guard Marine Board of Investigation and by the National Transportation Safety Board ("NTSB"). The ALASKA RANGER was a freezer trawler that was one among 40–50 other similar vessels participating in the Alternative Compliance and Safety Agreement ("ACSA") program developed by Coast Guard Districts 13 (Pacific Northwest) and 17 (Alaska) after several tragedies involving other ships in this fleet. The ALASKA RANGER was enrolled in the ACSA but was not in full compliance with all of the provisions of the program agreement despite the fact that the deadline for completing all items identified by the Coast Guard as needing improvement or correction was January 1, 2008.

OIL SPILL IN NEW ORLEANS IN JULY 2008 AND SAFETY ON THE INLAND RIVER SYSTEM

On September 16, 2008, the Subcommittee examined the circumstances that surrounded the spill of 282,828 gallons of oil into the Mississippi River near New Orleans, Louisiana, that occurred on July 23, 2008, when a barge being pushed by a towing vessel crossed in front of a tanker ship and was severely damaged by the tanker. At the time of the collision, the towing vessel Mel Oliver was not operated by a properly licensed master. The Subcommittee looked more broadly at safety in the towing industry, to include the Coast Guard's status to complete a rulemaking needed to start the process of towing vessel inspections, as required by the Coast Guard and Maritime Transportation Act of 2004 (P.L. 108–293). The Coast Guard pledged to issue a notice of proposed rulemaking to initiate that rulemaking process by the spring of 2009. As part of the inspection process, the Coast Guard will be required to set manning levels which should be adequate to ensure towing vessels have all of the personnel needed to operate safely.

LEGISLATION

On April 24, 2008 the House passed H.R. 2830 the "Coast Guard Authorization Act of 2008" which requires double hulls on all newly constructed non-tank vessels after August 1, 2010.

10. Crimes on Cruise Ships. The Subcommittee will continue to oversee the Coast Guard's, Federal Bureau of Investigations and Cruise Lines International Association, Inc ("CLIA") efforts in protecting and preventing crimes against passengers on cruise ships.

HEARING

CRUISE SHIP SECURITY PRACTICES AND PROCEDURES

On September 19, 2007, the Subcommittee conducted a second hearing on cruise ship security practices and procedures. The hearing examined whether the security practices and procedures aboard cruise ships were adequate to ensure the safety of all passengers and also to receive an update from the March 2007 hearing entitled "Crimes Against Americans on Cruise Ships". At the March 2007 hearing, representatives of CLIA and the victims and family members of victims of alleged crimes on cruise ships agreed to meet to discuss: potential refinements in procedures for reporting alleged crimes on cruise ships to U.S. authorities and specific measures that could be implemented to improve the safety and security of passengers on cruise ships. Testimony indicated that on April 1, 2007, the members of CLIA, the Federal Bureau of Investigation ("FBI"), and the United States Coast Guard implemented a voluntary agreement that defined the processes that would govern the reporting by cruise lines to the FBI and the Coast Guard of crimes over which U.S. jurisdiction might apply. The Coast Guard testified that since the agreement had been put in place, 4,379,808 passengers had embarked on cruise lines operated by the member firms of CLIA; the FBI reported that 207 incidents had been reported to it by CLIA members between April 1, 2007, and August 24, 2007. CLIA and the victims and family members of the victims

of alleged crimes on cruise ships reported they had several meetings to discuss specific security improvements for cruise ships, but no formal agreements had been reached of measures that would be implemented.

LEGISLATION

On April 24, 2008 the House passed H.R. 2830 the "Coast Guard Authorization Act of 2008" which included an amendment offered by Congresswoman Matsui which required the Secretary maintain an internet website with the number of missing persons and alleged crimes against passengers on cruise ships.

11. Administrative Law Judge. The Coast Guard investigated marine casualties in order to determine whether there have been any breaches of law or regulation by licensed mariners and in many cases initiated action to sanction, suspend or revoke a mariner's license. But, many mariners felt the Coast Guard process was unwieldy and unfair and charged the Coast Guard Administrative Law Judges with incompetence and bias toward the Coast Guard.

HEARING

REVIEW OF THE COAST GUARD'S ADMINISTRATIVE LAW SYSTEM

On July 31, 2007, the Subcommittee received testimony on the Coast Guard's administrative law system. Administrative agencies of the executive branch of the United States federal government are assigned by Congress to conduct rulemakings and to enforce their agency regulations. The body of law that pertains to these activities is called administrative law, while the judges who conduct trial type hearings in the rulemaking and adjudicatory processes are called administrative law judges ("ALJ"). The hearing examined whether the policies and procedures that govern the Coast Guard's administrative law system comport with the requirements of the Administrative Procedures Act to ensure all mariners accused in S&R cases receive fair hearings. The Subcommittee heard testimony from a former Coast Guard ALJ alleging impropriety in the management of the administrative law system which included: improper contact between members of the administrative law system and other Coast Guard personnel, accusations that the Chief ALJ pressured judges to rule in favor of the Coast Guard, and accusations that judges may have been subjected to hostile work conditions. The Subcommittee also examined the application of CFR Part 20, Section 601 pre-hearing discovery regulations during the conduct of administrative adjudications and examined the impact that the changes in procedural rules made in 1999 have had on the conduct of adjudications.

LEGISLATION

On April 24, 2008 the House passed H.R. 2830 the "Coast Guard Authorization Act of 2008" in which Title X of H.R. 2830 required all undecided suspension and revocation ("S&R") cases pending before the Coast Guard's Administrative Law Judge ("ALJ") system be transferred to the National Transportation Safety Board's ("NTSB") ALJ for adjudication on October 1, 2008.

12. Federal Maritime Commission. The Subcommittee continued it's oversight of the Federal Maritime Commission. It received reports that the Federal Maritime Commission did not operate in an open and public manner, Commissioners were often absent for long periods, meetings were held using conference calls, and the overall management of the agency had resulted in poor morale.

HEARINGS

FY 2009 BUDGET: FEDERAL MARITIME COMMISSION

On April 15, 2008, the Subcommittee received testimony on the Federal Maritime Commission's ("FMC") fiscal year 2009 budget request. At the time of the hearing, the FMC lacked a Chairman and the four Commissioners serving at the FMC were responsible for the collective management and conducting the regulatory business of the Commission. Mr. Paul Anderson, a Commissioner had been nominated by the President to serve as Chairman of the Commission, but his nomination had not been considered by the Senate. Testimony revealed that in the months prior to the hearing, the FMC rarely held public meetings. Testimony also suggested the four Commissioners had limited visibility over the administration of the Commission. The agency's Federal Human Capital Survey results revealed the employees had deep concerns about the administration of the Commission to include the effectiveness of the management exercised by senior leadership, fairness in the resolution of disputes and complaints, and the ability of the Commission to recruit qualified personnel. Mr. Anderson withdrew his nomination as the Chair of the Commission and resigned shortly after the hearing.

FEDERAL MARITIME COMMISSION MANAGEMENT AND REGULATION OF INTERNATIONAL SHIPPING

On June 19, 2008, the Subcommittee received testimony about the management of the Federal Maritime Commission ("FMC") and examined the FMC's regulation of international shipping. This hearing was a follow-on hearing to the April 2008 hearing on the FMC's annual budget request. The three remaining Commissioners testified they had begun to hold regular business meetings to consider regulatory business—and were initiating a plan to strengthen the management of the FMC. The hearing also considered the current status of the regulation of shipping cartels, which are collections of ocean-going liner services that collude to set prices and service levels. Several industry witnesses argued the United States should move to eliminate the cartels' immunity for rate setting activities, while other industry witnesses argued the maritime shipping field should continue to have unique characteristics that require limited grants of anti-trust immunity.

13. Jones Act—rebuilding. The "Jones Act" require vessels carrying cargo from one port in the United States to another port in the United States be build in the United States and that such vessels be re-built in the United States. The application of the Jones Act rebuild regulations are the subject of several pending court cases and final rulings. Several U.S. shipbuilders contend that the

Coast Guard's interpretation of "re-built" has not been properly or equitably applied.

HEARING

REBUILDING VESSELS UNDER THE JONES ACT

On June 11, 2008, the Subcommittee received testimony on rebuilding vessels under the Jones Act. In 1996, the Coast Guard issued regulations intended to establish specific standards regarding what constitutes a "rebuild" that could be uniformly applied to all Jones Act vessels. Witnesses testified the regulations have not provided the clarity necessary to ensure fair and adequate enforcement of the Jones Act rebuild provisions. The Coast Guard testified its National Vessel Documentation Center does not verify whether an applicant is being completely truthful on the applications that are submitted for initial rebuild determinations or final rebuild decisions. Witnesses that represented U.S. ship-owners and shipbuilders argued the Coast Guard's process for approving such rebuild decisions lacked adequate transparency and testified about what they considered to be the excessive rebuilding of certain ships in foreign shipyards.

14. Coast Guard icebreaking. The Coast Guard is responsible for both breaking ice to ensure safe winter-time commerce, particularly on the Great Lake and in the Northeast United States. It also conducted polar icebreaking operations in support of the National Science Foundations Arctic and Antarctic operations. The Coast Guard has two operational polar class icebreakers, with one in lay-up, and a fleet of multi-mission vessels that break ice and service aids-to-navigation on domestic waters.

HEARING

COAST GUARD ICEBREAKING

On July 16, 2008, the Subcommittee received testimony on the Coast Guard's icebreaking capabilities. The Coast Guard is responsible for both domestic icebreaking on the Great Lakes and along the Eastern Coast of the United States and polar icebreaking in support of scientific research in the Arctic and Antarctic. The Coast Guard has three polar class icebreakers (one of which is in lay-up status due to its need for significant maintenance) and a number of multi-purpose vessels that break ice and service aids-to-navigation in domestic waters. The Coast Guard, the National Science Foundation, and the Arctic Research Commission supported the acquisition of additional polar class icebreaking assets to support scientific research and respond to emergencies, particularly in the Arctic. Representatives from Great Lakes shipping interests testified in support of additional domestic icebreaking assets to ensure that the thousands of tons of raw materials and cargo transported on the Lakes in the winter can safely reach American refineries, factories, and consumers.

15. Port Development and the environment. The Ports of Los Angeles and Long Beach adopted a plan to reduce air polluting emissions at the ports called the San Pedro Bay Ports Clean Air Action Plan. Full implementation of the plan's components is expected to

require the combined expenditure of billions of dollars from all participating sources, including the ports, the State of California, and industries that work in and around the ports of Los Angeles and Long Beach. The plan's components are expected to cut emissions of particulate matter from port-related sources by 47 percent within five years. The plan would also reduce emissions of nitrogen oxides by 12,000 tons per year and reduce emissions of sulfur oxides by 8,900 tons per year.

HEARING

PORT DEVELOPMENT AND THE ENVIRONMENT IN THE PORTS OF LOS ANGELES AND LONG BEACH

On August 4, 2008, the Subcommittee conducted a field hearing at the Port of Long Beach and examined the efforts of the Ports of Los Angeles and Long Beach to meet infrastructure needs. The Subcommittee heard testimony regarding the assessment of a container fee that will be applied to containers passing through the port and which will be expended on projects intended to improve infrastructure in and around the port areas. The Subcommittee considered the ports' efforts to reduce emissions from port-related activities that include trucks that provide drayage services and vessels that transit to and from the ports. The hearing examined the ports' adoption of the San Pedro Bay Ports Clean Air Action Plan, including the Plan's "Clean Trucks" program. Under the Clean Trucks program, the Ports of Los Angeles and Long Beach will assess a fee on each container loaded in the port to generate the funding necessary to replace the entire fleet of trucks that provide drayage services at the ports with clean trucks meeting 2007 federal emissions standards.

16. Diversity in the Coast Guard. The Coast Guard's workforce does not represent the nation's demographics with regards to diversity. The Subcommittee will monitor the Coast Guard's efforts to improve diversity throughout it's corps at all ranks.

HEARING

DIVERSITY IN THE COAST GUARD, INCLUDING RECRUITMENT, PROMOTION, AND RETENTION OF MINORITY PERSONNEL

On September 10, 2008, the Subcommittee received testimony regarding diversity in the Coast Guard, including the recruitment, promotion, and retention of minority personnel. The hearing examined diversity at all levels of the service, including enrollments at the Coast Guard Academy, and accessions from all sources to the Coast Guard's officer corps and enlisted ranks. The hearing assessed the measures being taken by Coast Guard leadership to achieve diversity in its ranks and assessed the legal authorities that were needed to recruit, retain and promote people to achieve a diverse workforce. The Coast Guard discussed a service-wide message it recently issued to its personnel that detailed leadership diversity initiatives the service intended to pursue. The initiatives appeared promising but lacked detail on how specific initiatives would be fully implemented or what measures would be made to assess whether they were working to achieve diversity goals.

Subcommittee on Economic Development, Public Buildings, and Emergency Management

1. Emergency Management and Federal Emergency Management Agency ("FEMA") Reform. The Subcommittee reviewed and assessed the Nation's ability to prevent, prepare for, mitigate, respond to, and recover from disasters and emergencies of all types. The FEMA Reform Act (Title VI of P.L. 109–295) took effect on April 1, 2007 and re-united the parts of FEMA that were scattered throughout DHS. The Subcommittee aggressively pursued oversight by holding nine hearings on FEMA reform. Examining the effectiveness and efficiency of FEMA's food storage and delivery system, as well as its planning for the provision of food in the event of a disaster. The Subcommittee held a hearing to examine whether the FEMA and the Department of Homeland Security focused on all hazards in preparedness for and response to the risks that confront our Nation. The Subcommittee held a joint hearing with the Subcommittee on Water Resources to receive testimony on the benefits of the National Levee Safety and Dam Safety programs, the need for reauthorization, and proposed reforms. The Subcommittee held a hearing to hear testimony from FEMA, the North Carolina Division of Emergency Management, and the Missouri National Guard on whether the National Guard was fully ready for disaster in their home states in light of the deployments of National Guard troops abroad. The Subcommittee held a hearing to receive testimony on the contents of the new National Response Framework on the day it was issued by the Department of Homeland Security ("DHS") and the process for its development. The Subcommittee held a hearing to examine the practical impact of the FEMA Flood Map Modernization Program. The Subcommittee held a hearing on the efforts within the Federal Government, in particular FEMA, to modernize, expand, and integrate existing emergency alert warning systems mainly through the Integrated Public Alert and Warning Systems ("IPAWS"); and on H.R. 6038, the "Integrated Public Alerts and Warning Systems Modernization Act of 2008." The Subcommittee held a hearing on the role of the Federal Government in assisting small business after a disaster. The Subcommittee held a hearing on the FEMA's response to the 2008 hurricane season, the proposed National Disaster Housing Strategy, and the role of the American Red Cross in catastrophic events.

2. Recovery from Hurricanes Katrina and Rita. Congress passed Public Law 110–28 which waived certain disaster assistance loan requirements related to Hurricanes Katrina, Rita, and Wilma. Furthermore the House passed two bills to aid in the housing recovery and the loan assistance after Hurricanes Katrina, and Rita. The Subcommittee held a hearing to examine the process by which the Federal Emergency Management Agency ("FEMA") disposes of surplus property, and the treatment of Hurricane Katrina evacuees housed at mobile homes. This hearing focused more broadly on FEMA housing policy and suggestions for legislative action, if necessary. The Subcommittee held a hearing to hear from Members of Congress representing Gulf Coast districts, which were still recovering 20 months after Hurricane Katrina. In response the House passed H.R. 3247 the Hurricane Katrina and Rita Recovery Facili-

tation Act. The Subcommittee held a hearing on the status of the recovery from Hurricane Katrina in the State of Mississippi. The hearing focused on disaster recovery programs being provided by FEMA and on overall housing policy, rebuilding public infrastructure, and the case management services provided through FEMA.

3. Economic Development Administration. The Subcommittee held a hearing to look at the history of federal economic development programs, the role of the Federal Government in economic development, and suggestions for 21st century investment. The subcommittee continued its oversight by examining economic development programs and their impact on job creation.

4. Appalachian Regional Commission. Congress reauthorized the Appalachian Regional Commission ("ARC") for five years, from fiscal year 2008 through fiscal year 2012 in Public Law 110–371. ARC administers a variety of programs to aid in the development and advancement of the region including the creation a highway system, enhancements in education and job training, and the development of water and sewer systems.

5. Other Regional Economic Development Authorities. The Subcommittee held a hearing on the potential impact of regional economic development commissions on their Districts and States, the role of the Federal Government in economic development, and successful models of economic development with federal support. The Subcommittee looked at different regions of the country to determine the need for possible new economic development commissions. Congress later passed Public Law 110–234, and Public Law 110–246, which authorized three new and two existing economic development authorities. P.L. 110–34 and P.L. 110–246 provide a comprehensive regional approach to economic and infrastructure development in the most severely economically distressed regions in the nation. The two laws authorized five regional economic development commissions under a common framework of administration and management, and provide a structure for economic development decision-making and planning. These commissions are designed to address problems of systemic poverty and underdevelopment in their respective regions. The five commissions are the Delta Regional Authority, the Northern Great Plains Regional Commission, the Southeast Crescent Regional Commission, the Southwest Border Regional Commission, and the Northern Border Regional Commission.

6. Real Property Management. The Subcommittee held a field hearing in Washington, D.C. on the General Service Administration's ("GSA") role in procuring office space for federal agencies, the role of the GSA in revitalizing urban areas, and suggestions for achieving efficiencies in future procurement for federal office space. As a result of the hearing, all Capital and Investment and Leasing Program ("CILP") authorizing resolutions include a provision that requires the delineated area in solicitation to match the resolutions, unless GSA provides a written explanation. The Subcommittee held a hearing to review the practices and procedures used by the GSA and the Department of Defense to encourage and incentivize their tenants and building managers to identify and engage in common sense practical energy conservation activities.

7. National Capital Region. The Subcommittee held a hearing to receive testimony regarding plans for the future development of the Old Post Office building, which resulted in the enactment of Public Law 110–359. Public Law 110–359 directs the Administrator of General Services to provide for the redevelopment of the Old Post Office Building located in the District of Columbia under terms and conditions that are beneficial to the Federal Government. The Subcommittee held a field hearing in Washington, D.C. on the General Service Administration's role in procuring office space for federal agencies, the role of the Federal Government in revitalizing urban areas, and suggestions for achieving efficiencies in future procurement for federal office space. The Subcommittee held a hearing on greening initiatives for Washington D.C. and the National Capital Region. Current trends and future initiatives regarding facility management increasingly include concepts of sustainability and how "green" buildings contribute to sustainability. The hearing examined aspects of the building process, including construction, renovation, alteration, operation, and maintenance, all actions that can produce a green building.

8. Capital Investment and Leasing Program ("CILP"). As part of the Committee's annual work to review and authorize the General Services Administration's ("GSA") requests for authority to repair, alter, construct and lease property for use by federal agencies, the Subcommittee reviewed each prospectus presented to the Committee and recommended approval only after the Subcommittee was satisfied that the requests are cost-effective and in the best interest of the Federal Government. The Committee adopted 85 GSA resolutions, including construction, alteration, lease resolutions and an 11(b) study resolution. The Subcommittee held a hearing to receive testimony on "Making the GSA Lease and Construction Process Efficient, Transparent, and User-friendly." The witnesses provided testimony on the intersection of the GSA and the private sector in procuring space for the Federal Government by construction or leasing, and suggestions for making the procurement process more efficient. The Subcommittee held a hearing on the "General Services Administration's Fiscal Year 2009 Capital Investment and Leasing Program". The hearing focused on all aspects of the CILP program including alteration, design, modernization, and construction activities. The Capital Investment Program plays a key role in providing the necessary resources to maintain current real property assets and acquire new or replacement assets. The Subcommittee held a hearing to examine the effects the current credit crunch has on the commercial office space market and its effect on the General Services Administration's capital program, specifically leasing. The Subcommittee hearing examined the nexus between the current credit crunch and the federal leasing program.

9. Federal Protective Service. The Committee was extremely concerned with the effects of the Department of Homeland Security plan to downsize the Federal Protective Service ("FPS"). The subcommittee examined how this plan affected FPS's ability to provide law enforcement and security services at more than 8,900 federally owned and leased facilities throughout the United States, totaling approximately 352 million square feet of space, and housing more than 1.1 million federal personnel. The Full Committee held a

hearing on the Department of Homeland Security's plan to reduce the number of FPS officers and their presence at federal buildings nationwide. Congress later passed Public Law 110–329 requiring FPS to maintain a force of 1,800. The Subcommittee held a hearing to examine the preliminary findings of the Government Accountability Office's ("GAO") review of the FPS. The Subcommittee later held a hearing to examine the final report of the GAO's review of the FPS. The Subcommittee held a hearing to identify weaknesses in the FPS oversight of its contract guard program. Congress passed Public Law 110–356 which prohibits the Secretary of Homeland Security from awarding contracts to provide guard services under the contract security guard program of the FPS to a business concern that is owned, controlled, or operated by an individual who has been convicted of a felony. The Committee remains concerned with the placement of FPS within Immigration Customs and Enforcement ("ICE").

10. Administrative Office of the Courts. The Subcommittee continued its oversight of the court construction program. The Subcommittee requested and received the Courtroom Utilization Study from the Administrative Office of the Courts.

11. Department Homeland Security Headquarters. The Subcommittee held a hearing to receive testimony on the business opportunities presented by the federal redevelopment of the West Campus of St. Elizabeths. The General Services Administration ("GSA") is responsible for the redevelopment of the campus in order to provide a consolidated headquarters for the Department of Homeland Security ("DHS"). The purpose of the hearing was to examine GSA's practices and policies regarding economic development around Federal buildings; evaluate how other Federal development efforts incorporated the participation of local residents and businesses; assess GSA's plan to incorporate DHS into the southeast Washington neighborhoods of Congress Heights and Anacostia; and review the District of Columbia's plan to take advantage of the influx of Federal employees and small business opportunities in the community. The Subcommittee also passed two resolutions authorizing the construction of the Department of Homeland Security headquarters and the Coast Guard headquarters.

12. Architect of the Capitol. The Subcommittee held a hearing to receive testimony from the sponsors of H.R. 3315, a bill to name the great hall at the Capitol Visitor Center ("CVC") as "Emancipation Hall". Congress passed Public Law 110–139 to designate the great hall of the Capitol Visitor Center as Emancipation Hall. In 2004, Congress directed the Architect of the Capitol to study and report on the history and contributions of slave laborers in the construction of the U.S. Capitol. On November 7, 2007, the Slave Laborers Task Force, chaired by Representative John Lewis, specifically recommended that the great hall of the Capitol Visitor Center be designated as Emancipation Hall'. The Subcommittee held a hearing on the operational and management plans for the new Capitol Visitors Center. The Subcommittee was interested in how the Architect of the Capitol plans to staff the new visitors center, how it will provide security to both the Capitol and its visitors, and the details of the operational plan for the CVC's 2008 opening. The Subcommittee held a hearing to examine the Capitol Complex Mas-

ter Plan and the Capitol Visitor Center, with a focus on transportation, security, greening initiatives, energy, and maintenance. The United States Capitol Complex consists of the U.S. Capitol, the Cannon, Longworth, Rayburn and Ford House Buildings, the Hart, Dirksen, and Russell Senate Office Buildings, the U.S. Botanic Garden, the Capitol Grounds, the Library of Congress buildings, the U.S. Supreme Court Building, and the Capitol Power Plant.

13. Smithsonian Institution Facilities Assessment. The Subcommittee held a hearing to examine the process by which two renowned federal institutions, the Smithsonian Institution and the John F. Kennedy Center for the Performing Arts plan for funding for capitol asset acquisition, and maintenance utilizing public and private funds. In particular, the Subcommittee examined the roles of these institutions' boards and fundraising. The House passed H.R. 5492, which authorizes the Board of Regents of the Smithsonian Institution to construct a greenhouse facility at its museum support facility in Suitland, Maryland, and for other purposes with $12 million appropriated to carry this out. The House passed H.R. 6627, which authorizes the Board of Regents of the Smithsonian Institution to design and construct laboratory space to accommodate the Mathias Laboratory at the Smithsonian Environmental Research Center in Edgewater, Maryland, and authorizes the Board of Regents to construct laboratory space to accommodate the terrestrial research program of the Smithsonian Tropical Research Institute in Gamboa, Panama.

14. John F. Kennedy Center for the Performing Arts. The Subcommittee held a hearing to examine the process by which two renowned federal institutions, the Smithsonian Institution and the John F. Kennedy Center for the Performing Arts plan for funding for capitol asset acquisition, and maintenance utilizing public and private funds. In particular, the Subcommittee will examine the role of these institutions' boards and fundraising. The Subcommittee held a hearing to receive testimony on the reauthorization of federal funding for operations, maintenance, and capital improvements for the John F. Kennedy Center for the Performing Arts ("Kennedy Center"). Congress passed Public Law 110–338, which amends the John F. Kennedy Center Act, to authorize appropriations for FY 2008 through FY 2012 for the John F. Kennedy Center for the Performing Arts, and for other purposes. The maintenance needs of the Kennedy Center have continued to grow, requiring appropriations from Congress for costs related to maintenance and repair, as well as capital improvements.

Subcommittee on Highways and Transit

1. Role of Highways and Transit. The Subcommittee held a number of hearings on the role highways and transit play in our nation's intermodal network.

On March 15, 2007, the Subcommittee held a briefing for Members and staff regarding the economic impact of bicycle travel and tourism. The discussion included representatives from outdoor industry, cycling, and recreational trail organizations.

On June 7, 2007, the Subcommittee held a hearing on the problem of congestion facing the nation's surface transportation system and analyzed several of the approaches available for dealing with

the problem. Congestion on our nation's transportation system has resulted in a significant decline in service quality in terms of vehicle flow speeds, travel comfort, vehicle operating cost, and driver stress. The Subcommittee received testimony from various stakeholders on the impact of congestion on the economy and the quality of life for the general public. In addition, the Subcommittee reviewed the various proposed solutions for addressing congestion on our nation's surface transportation network.

On April 9, 2008, the Subcommittee held a hearing on transportation challenges of metropolitan areas. Metropolitan areas face significant transportation challenges, such as increasing infrastructure maintenance and investment needs, increasing traffic congestion, meeting environmental compliance goals, planning transportation projects in a coordinated manner, land use and growth issues, and diverse traveler needs. The hearing explored the transportation challenges of metropolitan areas and the Federal role in partnering with metro areas to address these challenges.

On June 24, 2008, the Subcommittee held a hearing on the role of the surface transportation network in connecting the nation and facilitating passenger and freight mobility and access. Small urban and rural America is home to 56 million residents in 2,303 nonmetropolitan counties, as well as 35 million more residents living in rural settings on the fringes of metropolitan areas. With over 82 percent of the nation's communities solely dependent on trucking for the delivery of goods and commodities, roadways classified as rural are an integral part of the nation's surface transportation network.

On September 18, 2008, the Subcommittee held a hearing on the transportation planning process to discuss ways for improving and promoting long term planning and the coordination among various jurisdictions. Today's transportation challenges often have impacts beyond State and local borders. This hearing allowed Subcommittee members to explore the role of planning in creating a cohesive and forward-thinking transportation network. The Subcommittee received testimony from the mayor of a large city, a Deputy Secretary for Transportation Planning for a State department of transportation, an Executive Director and a Transportation Director for two different metropolitan planning organizations, a Planning Director for a mid-size city, and the Chair of the Executive Board of a multistate transportation coalition.

2. SAFETEA–LU Implementation. In the lead up to the next surface transportation authorization legislation, the Subcommittee held a number of hearings to assess the progress and effectiveness of the current surface transportation programs authorized under SAFETEA-LU.

On April 24, 2007, the Subcommittee held an oversight hearing on the implementation of statutory requirements relating to the use of domestically produced materials, products, and components in federally-assisted highway and transit projects (commonly known as Buy America). The Subcommittee heard from the Administrators of the Federal Highway Administration and the Federal Transit Administration, officials of a State department of transportation and a transit agency, and representatives of a steel bridge manufacturer and a transit fare collection systems manufacturer.

On May 10, 2007, the Subcommittee held an oversight hearing on the Federal Transit Administration's implementation of the New Starts and Small Starts provisions of the Capital Investment Grants program. This hearing examined the manner in which the FTA has followed Congressional intent while implementing these important transit programs, and the Subcommittee heard from witnesses who are working on transit projects funded through these programs.

On September 26, 2007, the Subcommittee held an oversight hearing on the Federal Transit Administration's proposed rulemaking on the New Starts and Small Starts programs. The hearing explored the FTA's Notice of Proposed Rulemaking ("NPRM") in depth, and Members heard from witnesses who were working on transit projects and initiatives that would be affected by the rule. Following this hearing, 22 Democratic Members of the Transportation and Infrastructure Committee sent a letter to the House and Senate Appropriations Committees, urging support for a provision that prevented the NPRM from being implemented. This provision was enacted as part of the Consolidated Appropriations Act of 2008.

On October 2, 2007, the Subcommittee held a hearing on the federal Safe Routes to School program, which was created under SAFETEA–LU to encourage children to walk and bike to school safely. The Subcommittee heard testimony from the Kansas Safe Routes to School State Coordinator and officials with the National Center for Safe Routes to School, the Safe Routes to School National Partnership, and the Bicycle Transportation Alliance.

On June 6, 2008, the Congress enacted the SAFETEA–LU Technical Corrections Act of 2008 (P.L. 110–244), which amended SAFETEA–LU in order to correct drafting errors, make technical changes, and clarify Congressional intent. This legislation ensures that all programs, policies, and projects included in SAFETEA–LU are implemented as intended by the Congress.

3. Needs of the Surface Transportation Network. The Subcommittee examined the condition and future needs of our surface transportation system, including holding meetings with the National Surface Transportation Policy and Revenue Study Commission.

On January 24, 2007, the Subcommittee on Highways and Transit held a hearing on the capacity of our nation's surface transportation system and the challenges and changes it will face 30 to 50 years into the future. Throughout our nation's history, the economy has undergone constant change but one factor has remained the same: economic growth, prosperity, and opportunity have followed increased investments in infrastructure. Transportation infrastructure provides the backbone of our economy by moving people and goods. The Subcommittee heard testimony on these issues from representatives of the U.S. Department of Transportation, the National Surface Transportation Policy and Revenue Study Commission, and the research community on how our surface transportation system will need to adapt to support our changing and expanding economy.

At 6:05 p.m. on August 1, 2007, the I–35W Bridge in Minneapolis, Minnesota, collapsed into the Mississippi River, killing 13

people. Following this tragedy, public awareness of the deteriorating conditions of our nation's bridges increased greatly. On August 7, 2007, the Congress authorized emergency funding to replace the Interstate 35W Bridge in Minneapolis. The Subcommittee worked with the Bureau of Transportation Statistics to update and distribute maps to all Members of Congress showing the number and location of structurally deficient bridges in their Congressional district to raise awareness about the prevalence of these bridges throughout the nation.

On October 23, 2007, the Subcommittee held a hearing on highway bridge inspections. The nation's aging bridge inventory is requiring increased maintenance as many reach the end of their intended design life, making proper inspections and monitoring of these bridges is even more important. Inspection of bridges provides a first line of defense to avoid tragedies like the Minneapolis bridge collapse. Visual observation and other traditional means of observation (such as cleaning and scraping, chain drags, and use of sounding rods and hammers) remain the primary methods of conducting field tests of bridges elements. However, a study released by the FHWA Destructive Evaluation Center in 2001 raised significant concerns over the reliability of visual inspections. The 2001 report found that visual inspections by 49 trained bridge inspectors from around the country of bridges with identified fatigue problems rarely detected defects. The Federal-aid Highway Act of 1968 established the National Bridge Inspection Program ("NBIP") and directed DOT to work with the States to establish national bridge inspection standards. Today, the NBIS require States to conduct routine safety inspections on each bridge at least once every 24 months to determine physical and functional conditions of the bridge. The Subcommittee reviewed the adequacy of current inspection requirements to assess where improvements are needed. This hearing was held as a follow-up to the Committee's September 5th hearing on structurally deficient bridges in the United States.

On October 29, 2007, the Subcommittee held a field hearing in Chicago, Illinois to review Chicagoland's Transportation Needs for the 2016 Olympic Bid. Transportation issues with staging the Olympic Games are related to a dramatic short-term surge in transportation demand that has the potential to make it difficult to manage the games themselves and difficult to manage the normal functioning of the host city. Atlanta, the last U.S. city to host the summer Olympic Games, had an estimated 2 million spectators over 17 days. This was in addition to the 200,000 competitors, team officials, media, organizing committee staff, as well as 100,000 Atlantans working in the immediate vicinity of the sporting venues. The Subcommittee heard testimony from the President and CEO of Chicago 2016 Committee, State and city transportation officials, and representatives from industry and labor groups.

On January 22, 2008, the House of Representatives passed H.R. 409 a bill to allow for inspections of highway tunnels. The legislation directs the Secretary of Transportation to establish: a national highway tunnel inspection program, including standards for the proper safety inspection and evaluation of all highway tunnels; a training and certification program for highway tunnel inspectors; and a national inventory of highway tunnels.

On April 24, 2008, the Subcommittee held a hearing on freight movement from origin to destination. The design, organization, capacity, and operation of the nation's surface transportation system to move freight efficiently and reliably to its destination is one of the major issues that the Subcommittee will consider in the next surface transportation authorization bill. Rather than only looking at the issue of freight movement through specific points on the surface transportation system, such as major metropolitan areas or major freight bottlenecks, this hearing looked at the entire trip necessary to move freight from the point of origin to final destination, and assessed the variety of intermodal infrastructure required to complete freight delivery most efficiently.

On May 6, 2008, the Subcommittee held an oversight hearing on the causes of rising diesel fuel costs and the impact of this trend on the trucking industry. The Subcommittee heard testimony from representatives from the trucking industry, shippers, and property brokers about the impacts of rising diesel prices.

On June 5, 2008, the Subcommittee held a hearing on the investment levels and federal policies necessary to maintain the nation's existing highway and transit infrastructure to a state of good repair. Maintaining the nation's surface transportation infrastructure is critical to ensuring that these assets will remain safe and reliable in the future. The limited resources available to maintain and improve the condition and performance of the system have forced the agencies responsible for constructing, operating and maintaining the network to make difficult choices between system expansions and ongoing maintenance costs.

On July 24, 2008, the House of Representatives passed the National Highway Bridge Reconstruction and Inspection Act of 2007. This bill amends the Highway Bridge Program and the National Bridge Inspection Program to improve the safety of Federal-aid highway bridges, strengthen bridge inspection standards and processes, and increase investment in the reconstruction of structurally deficient bridges on the National Highway System.

4. Financing Investments in Highways and Public Transportation. On March 27, 2007, the Subcommittee held a hearing on the structure of the federal excise tax on motor fuels and how the tax's structure affects the long-term financial viability of the Highway Trust Fund, which contributes most of the funding for the federal highway and transit programs. Most observers recognize that the current financing mechanism (using dedicated federal highway-related excise tax revenues to fund infrastructure programs and projects), though imperfect, has served the nation well in helping build a world class highway system and will continue to be the primary method of funding our highway and transit programs in the future. This hearing provided the Committee with a better understanding of the issues related to this financing mechanism and its structure.

On April 11, 2008, the Subcommittee held a briefing for staff on the Intergovernmental Forum on Transportation Finance's report on "Financing Transportation in the 21st Century," which examined an array of potential financing options for the surface transportation program.

On September 15, 2008, the Congress enacted H.R. 6532, a bill that restored $8 billion in user fees to the Highway Trust Fund in order to retain the solvency of the account. This legislation will allow for continued funding of the surface transportation programs authorized under SAFETEA–LU.

5. Alternative Sources to Generate Additional Resources for Investment. The Subcommittee held three hearings on public-private partnerships. These hearings addressed a variety of topics including protecting the public interest, innovative contracting and procurement methods, and State and user perspectives.

On February 8, 2007, the Subcommittee held a briefing with the Government Accountability Office on public-private partnerships and innovative financing methods.

On February 13, 2007, the Subcommittee held a hearing on innovative financing under public-private partnership ("PPP") arrangements. The purpose of the hearing was to address how the public interest should be protected when PPPs are used to provide innovative financing for infrastructure investment, and whether the model legislation developed by the Federal Highway Administration ("FHWA") provides adequate safeguards for the public interest. The growing attention paid to utilizing these agreements across the country calls for greater public debate and evaluation of PPPs. The Subcommittee received testimony from officials of the U.S. DOT, the Wisconsin Department of Transportation, and the Metropolitan Transit Authority of Harris County, Texas, as well as representatives of the legal, financial, and research/advocacy community who specialize in PPP and transportation project financing.

On April 17, 2007, the Subcommittee held a hearing on innovative contracting and procurement techniques under public-private partnership ("PPP") arrangements. Due to the complexity of these various innovative contracting techniques, the Subcommittee held this hearing to promote greater review of their use and the implications for the future of infrastructure financing. The Subcommittee received testimony from officials of the Federal Highway Administration, the Federal Transit Administration, the Utah Department of Transportation, TriMet (a transit agency in Oregon), as well as representatives of the engineering and construction industries and a transportation employee union.

On May 24, 2007, the Subcommittee held a hearing on the views of State and local officials and the users on transportation project delivery and financing under PPP arrangements and State and local government concerns over the question of management and political control. The Subcommittee heard testimony from State and local officials, and representatives of the trucking industry, highway user and environmental communities.

In May of 2007, the Subcommittee issued a policy paper discussing methods of protecting the public interest when creating public-private partnerships.

On July 23, 2008, the Subcommittee held a briefing for Members to discuss future alternatives being examined as possible replacements for the current motor fuel excise tax—the gas tax. Members received updates from two pilot programs: one being conducted by the Oregon DOT, which just concluded its first phase, and the

other from Iowa State University, which receive funding in SAFETEA–LU and was just beginning operations.

6. Innovative Contracting and Procurement Methods. On April 17, 2007, the Subcommittee held a hearing on innovative contracting and procurement techniques under public-private partnership ("PPP") arrangements. Due to the complexity of these various innovative contracting techniques, the Subcommittee held this hearing to promote greater review of their use and the implications for the future of infrastructure financing. The Subcommittee received testimony from officials of the Federal Highway Administration, the Federal Transit Administration, the Utah Department of Transportation, TriMet (a transit agency in Oregon), as well as representatives of the engineering and construction industries and a transportation employee union.

7. Transportation Security. The Subcommittee continued to work to improve the overall security of the nation's surface transportation network. The Subcommittee examined the challenges associated with an integrated national driver's license system, as well as efforts to change commercial driver's license requirements to improve security. Further, the Subcommittee oversaw implementation of the mode-specific annexes to the Memorandum of Understanding ("MOU") between the DOT and the Department of Homeland Security ("DHS") (annexes for Transit and Pipelines have been executed). The Subcommittee also directed DOT and DHS to take further action on the requirements for public transportation security grants, including funding priorities, eligible activities, methods for awarding grants, and limitations on administrative expenses.

On March 7, 2007, the Subcommittee, along with the Subcommittee on Railroads, Pipelines, and Hazardous Materials, held a joint oversight hearing on current issues related to Transit and Rail Security. This hearing addressed issues such as the roles and responsibilities of the Department of Homeland Security, the Federal Transit Administration, and the Federal Railroad Administration; the state of preparedness in the transit, rail, and over-the-road bus industries; and federal programs and activities that help meet the security needs and funding priorities for mitigation of security threats against the Nation's transit, rail, and over-the-road bus systems.

The Conference Report on H.R. 1, the "Implementing Recommendations of the 9/11 Commission Act of 2007" (P.L. 110–53; "9/11 bill") was signed into law on August 3, 2007, completing the unfinished work of the 109th Congress and fully implementing the recommendations set forth in the 9/11 Commission Report. The Subcommittee was heavily involved in negotiations on this bill, which strengthens public transportation, bus, and truck security. This bill establishes new transit and over-the-road bus security grant programs funded at historically high levels; requires that all public transportation agencies and over-the-road bus operators at high risk for terrorism undergo an assessment of the vulnerability of their infrastructure and operations to terrorism, and prepare and implement a security plan; authorizes funding for a security research and development programs dedicated to public transportation and over-the-road bus transportation; requires DHS to establish a program for security exercises at public transportation sys-

tems and over-the-road bus systems; requires security training for employees and establishes strong whistleblower protections; requires employees of transit systems and over-the-road bus operators, or employees of contractors, to undergo a security background check; requires DHS and DOT to enter into a motor carrier annex to the MOU between the two Departments; and requires DHS to submit a report to Congress on the status of security in the trucking industry.

Subcommittee staff also held several meetings with DHS and DOT officials, representatives of State legislatures, and other interested parties on the impacts of REAL ID requirements and the status of implementation of background check requirements for commercial motor vehicle drivers hauling hazardous materials.

8. Surface Transportation and the Environment. On December 19, 2007, the Congress enacted H.R. 6, the Energy Independence and Security Act of 2007, which included a number of provisions advocated by the Subcommittee. The bill authorized the Center for Climate Change and Environment within the Department of Transportation; commissioned a study on low-cost solutions for congestion; increased the federal share for congestion mitigation and air quality projects; prevented States from disproportionately targeting environmental programs through Congressional rescissions; and expressed the Sense of Congress that States and localities should enact complete street policies to accommodate the needs of all transportation users.

On May 21, 2008, the House of Representatives passed H. Con. Res. 305, to recognize the importance of bicycling in transportation and recreation and to recognize that increased and safe bicycle use for transportation and recreation is in the national interest of the United States. This concurrent resolution also supports policies that increase bicycle use. H.Con.Res. 305 encourages the Department of Transportation to provide leadership and coordination by reestablishing the federal bicycle task force to include representatives from all relevant federal agencies.

On June 26, 2008, the House of Representatives passed H.R. 6052, the Saving Energy Through Public Transportation Act of 2008, a bill to promote increased public transportation use, and to promote increased use of alternative fuels in providing public transportation. H.R. 6052 authorizes appropriations for each of FY2008–FY2009 for public transportation formula grants for urbanized areas and for other areas. It authorizes the Secretary of Transportation to make such grants for: operating costs of equipment and facilities being used to provide the public transportation or intercity bus service that the grant recipient is no longer able to pay as a result of reducing fares; operating and capital costs of equipment and facilities being used to provide transportation services or intercity bus service that the recipient incurs as a result of expanding such services; the avoidance of increased fares for public transportation or intercity bus service or decreased services; the costs of acquiring clean fuel or alternative fuel vehicle-related equipment or facilities for the purpose of improving fuel efficiency; and administrative costs in establishing or expanding commuter matching services to provide commuters with information and assistance about alternatives to single occupancy vehicle use. This

bill also requires the federal share of the costs for which such grants are made to be 100 percent.

9. Coordination of Human Services Transportation. The Subcommittee held a hearing on connecting communities and the role of the surface transportation network in moving people and freight. In many smaller communities, with both longer distances between built-up areas and low population densities, transit can help bridge the spatial divide between people and jobs, services, and training opportunities. The Subcommittee received testimony from two Secretaries of Transportation from largely non-urbanized States, a General Manager of a small urban transit agency, and a Director of State Government affairs for a busing company, an Executive Director for a regional planning agency, and an Executive Director for a paratransit provider.

On July 30, 2008, the Congress enacted H.R. 3985, the Over-the-Road Transportation Accessibility Act of 2007 (P.L. 110–291), which requires the Federal Motor Carrier Safety Administration ("FMCSA") to enforce Americans with Disabilities Act compliance before granting operating authority to over-the-road buses and during compliance reviews for these buses. This act adds as a registration condition for motor carriers of passengers that a carrier be willing and able to comply with specified accessibility requirements for transportation provided by an over-the-road bus (characterized by an elevated passenger deck located over a baggage compartment). This act directs the Secretary of Transportation and the Attorney General to enter into a memorandum of understanding to delineate the specific roles and responsibilities of the Department of Transportation and the Department of Justice, respectively, in enforcing carrier compliance with such requirements.

10. Research and Innovative Technologies. On June 6, 2008, the Congress enacted the SAFETEA–LU Technical Corrections Act of 2008 (P.L. 110–244), which included a provision to fully fund the research programs authorized under SAFETEA–LU. Errors made in funding calculations resulted in lower than intended investment levels for several research programs. This act recaptures critical research funds for initiatives including the Future Strategic Highway Research program, the University Transportation Centers program, and DOT's biennial Conditions and Performance report.

On September 25, 2008, the Subcommittee held a briefing on Intelligent Transportation Systems ("ITS"). The briefing included a discussion with leaders from the States, universities, and the private sector on the potential benefits in safety, mobility, and sustainability that can be achieved through research and deployment of ITS. Members also participated in hands-on demonstrations of the latest in innovative transportation technologies.

11. Highway Safety. According to the National Highway Traffic Safety Administration ("NHTSA") in 2007, 41,059 people lost their lives and almost than 2.5 million people were injured in motor vehicle crashes. The Subcommittee has overseen and improved upon highway safety programs enacted in SAFETEA–LU.

On June 6, 2008, the Congress enacted the SAFETEA–LU Technical Corrections Act of 2008 (P.L. 110–244), which included a provision allowing States more flexibility to implement ignition interlock devices for repeat intoxicated driving offenders. This provision

had been included in both the House and Senate passed bills, but it was not included in the conference report. According to NHTSA, repeat offenders make up approximately one third of all driving under the influence arrests each year. This new flexibility allows States more discretion to employ ignition interlocks, devices which prevent drivers from operating a motor vehicle while intoxicated, but allow them to continue to drive to work, school, or an alcohol treatment program.

On July 16, 2008, the Subcommittee held a hearing on the effectiveness of the NHTSA's highway safety programs in addressing roadway safety. According to the Commission report, highway travel accounts for 94 percent of the fatalities and 99 percent of the injuries on the Nation's surface transportation system. According to NHTSA, the 6.2 million motor vehicle crashes cost an estimated $230.6 billion related to deaths, injuries, property damage, productivity losses, medical bills, and other related costs.

NHTSA has established a fatality rate goal of 1.35 deaths per 100 million vehicle miles traveled ("VMT") in FY 2009, reducing to 1.0 per 100 million VMT by 2011. According to the Commission, a fatality rate of 1.0 per 100 million VMT would reduce total highway fatalities to just over 30,000 annually.

The Subcommittee heard testimony from the NHTSA Administrator, the Government Accountability Office, a State highway safety administrator, and organizations and individuals working to improve highway safety. The witnesses discussed the challenges in implementing existing programs, and gave their recommendations for strengthening and improving Federal behavioral highway safety programs.

The House of Representatives passed two resolutions to raise awareness for specific topics in highway safety. On April 30, 2008, the House passed by voice vote H. Res. 964, a resolution to promote the safe operation of 15-passenger vans. This resolution raises awareness of the risks associated with the operation of 15-passenger vans, and encourages drivers of such vehicles to have appropriate training and passengers to follow all safety measures, including wearing seat belts.

On May 21, 2008, the House passed by voice vote H. Res 339, supporting the goals of Motorcycle Safety Awareness Month. This resolution encourages all road users to be more aware of motorcycles and motorcyclists' safety, and encourages all motorcycle riders receive appropriate training and practice safe riding skills.

12. Motor Carrier Safety. The Subcommittee reviewed the Federal Motor Carrier Safety Administration's ("FMCSA") progress in improving safety on our nation's roads through the inspection of motor carriers and the enforcement of motor carrier regulations. The Subcommittee also worked to ensure the safety compliance of foreign motor carriers operating on U.S. roadways.

The Subcommittee held four hearings to review FMCSA's progress in improving safety:

On March 20, 2007, the Subcommittee held an oversight hearing to examine the safety of motor coach operations in the United States in light of several fatal accidents. The hearing also examined Federal regulations that govern motor coaches, the National Transportation Safety Board's ("NTSB") recommendations with re-

spect to bus safety, and the response of the Federal Motor Carrier Safety Administration in light of these accidents and findings. The hearing included testimony from FMCSA Administrator John Hill and examined questions about the adequacy of oversight efforts by the Federal Motor Carrier Safety Administration's ("FMCSA") to ensure that bus companies comply with federal safety regulations and take the companies that do not comply off the road. NTSB Chairman Rosenker highlighted outstanding motor coach safety recommendations made by the Board since 1999 that have not been acted on by the Department of Transportation. In addition, he discussed the Board's conclusions from the Wilmer, Texas crash, which include that FMCSA's process to review the safety fitness of truck and bus companies is inadequate.

On July 11, 2007, the Subcommittee held an oversight hearing to review the Federal Motor Carrier Safety Administration's oversight of high-risk carriers. The Subcommittee heard testimony from the Federal Motor Carrier Safety Administration regarding the agency's oversight of high-risk motor carriers, and efforts to identify carriers that are not in compliance with Federal motor carrier safety laws and regulations. The Government Accountability Office ("GAO"), the Department of Transportation's Office of Inspector General ("DOT IG"), and the National Transportation Safety Board ("NTSB") have issued numerous studies, reports, and investigative findings since 2000 regarding the FMCSA's enforcement programs and activities, and in particular the agency's efforts to target carriers that are at a high risk of an accident. At this hearing, witnesses from these organizations commented on the performance measures, monitoring tools, and enforcement programs, including compliance reviews, which FMCSA and its State partners utilize to examine a motor carrier's operations to determine the carrier's safety fitness and to target those operators who pose a safety risk.

On November 1, 2007, the Subcommittee held an oversight hearing regarding vulnerabilities in the Drug and Alcohol Testing programs administered by motor carriers. This hearing was held in response to an in-depth, Committee-led review of conditions at facilities that perform urine collections for drug tests regulated by the Department of Transportation. The hearing examined weaknesses in the collection process that could allow drug-using commercial drivers to disguise their drug use and sought to identify the extent to which products manufactured and sold specifically to beat drug tests affect the integrity of the drug testing process. Finally, the hearing explored factors that enable drug-using drivers to continue to operate commercial motor vehicles and potential solutions to the identified weaknesses.

On July 9, 2008, the Subcommittee held a hearing on Federal laws governing truck weights and lengths. The existing framework of laws and regulations governing minimum and maximum weights and lengths for trucks is a complex set of Federal standards that apply to the Interstate Highway System and the National Network, a system of approximately 209,000 miles of roads specifically designated in Federal regulations. There are numerous exceptions to these Federal standards which States have the authority to exercise, through statutory exemptions and grandfather rights. In addition, States also have the authority to issue permits to exempt

trucks from Federal laws on the Interstate Highway System and National Network, the parameters, requirements, and costs of which vary from State to State. Subcommittee Members heard testimony from the Federal Highway Administration, FMCSA, representatives from State Departments of Transportation, local officials, and representatives of the trucking industry, shippers, safety groups, commercial vehicle law enforcement, the agricultural community. These witnesses discussed the origins of size and weight laws, implementation of Federal law at the State level, enforcement issues, and the impact of the existing regulatory framework on the nation's highway and bridge infrastructure, safety, and on interstate commerce.

The Subcommittee also took several actions with respect to the safety compliance of foreign motor carriers operating on U.S. roadways:

On February 23, 2007, Secretary of Transportation Mary Peters announced a plan to grant authority to 100 motor carrier companies based in Mexico to conduct long-haul operations beyond the commercial zones as part of a one-year pilot program. Prior to the pilot program, trucks entering from Mexico had been limited to approximately 20-mile-wide "commercial zones" along the U.S.-Mexico border.

On March 13, 2007, the Subcommittee held a hearing to examine the status of cross-border trucking operations between the United States and Mexico, and to assess safety issues surrounding a proposed U.S. Department of Transportation ("DOT") demonstration project to allow Mexico-domiciled motor carriers access to U.S. roads beyond the commercial zones on the border. The hearing examined questions about DOT's legal authority to carry out a pilot program and to fully open the border, about potential impacts on safety, and about reciprocity for U.S. carriers seeking access to Mexico. John Hill, Administrator of the Federal Motor Carrier Safety Administration, and Jeffrey Shane, DOT Under Secretary for Policy, described the elements of the anticipated pilot program, and DOT Inspector General ("DOT IG") Calvin Scovel discussed the findings of his investigations of the safety of Mexico-domiciled motor carriers and whether DOT has met Congressionally-mandated prerequisites to opening the border to truck traffic.

In response to DOT's announcement and the findings of the hearing, on March 29, 2007, Representative Nancy E. Boyda, along with Chairman Oberstar and Subcommittee Chairman DeFazio introduced H.R. 1773, the "Safe American Roads Act of 2007." This legislation authorized a three-year cross border trucking pilot program, but only under a specific set of conditions and once all prerequisites are met to ensure safety. The bill included mechanisms to shut the program down if the pilot program has any detrimental effect on safety. The bill also required Congress to pass additional legislation for the border to open fully beyond the limited pilot program. On May 15, 2007, the House passed H.R. 1773 by a vote of 411–3.

Congress included concepts from H.R. 1773 in the U.S. Troop Readiness, Veterans Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110–28). Section 6901 of the Troop Readiness Act required the DOT IG to verify that DOT is

prepared to enforce Federal motor carrier safety laws and regulations with respect to Mexico-domiciled carriers, required DOT to address any issues raised by the IG, and required DOT to submit a report to Congress detailing corrective actions taken before the start of the pilot program. The Inspector General submitted his report to Congress on September 6, 2007, raising questions about whether DOT had sufficient plans in place to carry out the Department's commitment to check every truck every time it crosses the border into the United States under the pilot program. Within a few hours of receiving the IG report, the Secretary submitted her report to Congress and granted operating authority to the first Mexican trucking company under the pilot program.

On July 24, 2007, the House adopted an amendment to H.R. 3074, the FY 2008 Transportation, Treasury, Housing, and Related Agencies Appropriations Act, sponsored by Subcommittee Chairman DeFazio, to prohibit DOT from using funds to establish or implement a cross-border motor carrier pilot program. A similar provision was enacted on December 26, 2007 in Section 136 of the Consolidated Appropriations Act.

DOT continued its pilot program despite this funding prohibition, arguing that the language only prohibits future pilot programs and does not impact the program initiated in September 2007.

On July 29, 2008, Subcommittee Chairman DeFazio introduced H.R. 6630, a bill to direct the Secretary of Transportation to terminate the one-year cross border demonstration project that began on September 6, 2007, no later than September 6, 2008. This bill passed the House on September 9, 2008 by a vote of 395–18.

Despite these legislative actions, on August 4, 2008, the Secretary of Transportation announced that the cross-border pilot program will be extended for an additional two years through September 2010.

13. Household Goods. The "Households Goods Mover Oversight Enforcement and Reform Act of 2005" gave FMCSA and State Attorneys General more authority to enforce Federal and State consumer protection laws against fraudulent movers. The Subcommittee continued to monitor the implementation of these authorities, as well the ability of the States to use their new enforcement power, granted by Congress.

In May 2007, the Government Accountability Office ("GAO") issued a report required by SAFETEA–LU entitled "Consumer Protection: Some Improvements in Federal Oversight of Household Goods Moving Industry Since 2001, but More Action Needed to Better Protect Individual Consumers." Subcommittee staff was briefed by representatives from GAO on the findings of this report. GAO found that Federal laws and regulations require FMCSA to provide protections for the 1.6 million consumers who annually hire interstate movers, but FMCSA lacks the information to determine the effectiveness of its efforts. Further, while SAFETEA–LU enhanced existing federal authority and expanded it to allow States to bring actions against interstate movers in Federal and State courts, there is no indication that any State has yet exercised this authority.

Subcommittee staff also held several meetings with agency officials and representatives of the moving and storage industry re-

garding the ongoing implementation of these household goods provisions.

Subcommittee on Railroads, Pipelines, and Hazardous Materials

11. DOT FY 2008 Budget. The Subcommittee reviewed and evaluated the Administration's Department of Transportation ("DOT") fiscal year 2008 budget proposals for the Federal Railroad Administration ("FRA"), Amtrak, the Surface Transportation Board ("STB"), the Railroad Retirement Board, the National Mediation Board, and the Pipeline and Hazardous Materials Safety Administration ("PHMSA"). Amtrak requested a total of $1.68 billion for FY2008, including $760 million in capital grants, $285 million in debt service, $485 million in operating grants, and $150 million in strategic investment needs, including $100 million for state corridor matching grants and $50 million in initial ADA station compliance. In contrast, the Administration's budget requested a total of $900 million for Amtrak in FY 2008, $780 million less than Amtrak's request. The Administration requested $500 million for Amtrak capital grants, $272 million less than the FY 2007 level of $772 million. The Administration proposed no grant funding for Amtrak operations. Instead, it proposed $300 million for Efficiency Incentive Grants which would be used—at the discretion of the Secretary of Transportation—for operating expenses if Amtrak implemented a program to reduce Federal subsidies for long-distance trains by 30 percent annually through fiscal year 2010. The $300 million requested for Efficiency Incentive Grants is a $269 million increase above the $31 million likely FY 2007 funding level for such grants.

The Administration's budget also proposed $100 million for a new and unauthorized "Intercity Passenger Rail Grant Program." Under this program, States may apply to the Federal Railroad Administration ("FRA") for grants up to 50 percent of the cost of capital investments necessary to support improved intercity passenger rail service that either requires no operating subsidy or for which the State or States agree to provide any needed operating subsidy. To qualify for funding, States would have to include intercity passenger rail service as an integral part of Statewide transportation planning as required under 23 U.S.C. 135. Additionally, the specific project would have to be on the Statewide Transportation Improvement Plan at the time of application.

The Administration's budget also proposed requiring Amtrak to adopt various reforms. First, the Administration proposed that, within 30 days after enactment of the FY 2008 appropriations act, Amtrak would be required to develop a comprehensive business plan for approval by the Secretary of Transportation that outlines how the Corporation will operate with a $300 million non-capital Federal investment in FY 2008. In addition, the business plan would provide detailed steps for reducing losses on long distance trains and describe how the Corporation could reduce Federal subsidies for long distance trains by 30 percent annually through FY 2010.

In addition to the business plan, the Administration proposed that, within 30 days of enactment of the FY 2008 appropriations

act, Amtrak shall produce a comprehensive corporate-wide competition plan that will identify multiple opportunities for public and private entities to perform core Corporation business functions, including the operation of trains. The competition plan shall be implemented beginning in 2008, upon its approval by the Secretary of Transportation.

The Consolidated Appropriations Act, 2008, signed into law by President Bush on December 26, 2007, provided Amtrak with a total of $1.325 billion, including $565 million in capital grants, $285 million in debt service, and $475 million in operating grants (P.L. 110–161).

12. DOT FY 2009 Budget. The Subcommittee reviewed and evaluated the Administration's Department of Transportation ("DOT") fiscal year 2009 budget proposals for the Federal Railroad Administration ("FRA"), Amtrak, the Surface Transportation Board ("STB"), the Railroad Retirement Board, the National Mediation Board, and the Pipeline and Hazardous Materials Safety Administration ("PHMSA"). Amtrak requested $1.785 billion for FY2009, including $639 million in operating grants, $801 million in capital grants, and $345 million in debt service. The Administration's FY 2009 budget request for Amtrak essentially mirrored the request the Administration made for Amtrak under its FY2008 budget. It proposed no direct funds for Amtrak operations. It proposed $275 million in "Efficiency Incentive Grants" that may be provided to Amtrak for operating expenses at the Secretary's discretion. It also proposed to allow the Secretary to withhold all grant funds for Amtrak if the Secretary finds that the Corporation has not adequately maintained the Northeast Corridor. The Administration's FY 2009 budget request proposed to prohibit Amtrak from using any Federal subsidies for food and beverage services in 2009 and beyond. The Committee supported providing at least $1.785 billion for Amtrak in FY 2009. The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, signed by President Bush into law on September 30, 2008, maintained Amtrak funding at FY2008 levels through March 6, 2009 (P.L. 110–329).

The Administration's budget also requested to reform the Railroad Rehabilitation and Improvement Financing ("RRIF") program by capping loan commitments at $700 million. Further, the Administration proposed that no direct loans will be supported in FY 2009. The Administration's FY 2009 budget request proposed $6.72 million for positive train control projects.

The Administration's FY 2009 budget request also proposed to fund the pipeline safety program at $74 million, $17.9 million below the authorized amount. The Subcommittee recommended that the program be funded at the authorized levels established by the Pipeline Inspection, Protection, Enforcement and Safety Act of 2006.

13. Reauthorization of the Federal Rail Safety Program. The Federal rail safety program was last reauthorized under the Federal Railroad Safety Authorization Act of 1994; this authorization expired at the end of fiscal year 1998. The Subcommittee held six hearings, including two field hearings to provide oversight on the Federal rail safety program as well as to consider reauthorization of the FRA. These hearings were:

Hearing on the Reauthorization of the Federal Rail Safety Program

On January 30, 2007, the Subcommittee met to receive testimony on the Federal rail safety program and to discuss proposals for reauthorization of the Federal Railroad Administration ("FRA"). The FRA was last reauthorized by the Federal Railroad Safety Authorization Act of 1994; that authorization expired in 1998. One of the main responsibilities of the FRA is to promulgate and enforce rail safety regulations. It also conducts research and development in support of improved rail safety. In addition, the FRA has a number of responsibilities relating to rail security, including assessing civil and criminal penalties for actions that impair or impede the operation of railroad equipment. The FRA has the authority to issue regulations and orders pertaining to rail safety and security and to issue civil and criminal penalties to enforce those regulations and orders. Under current law, all laws, regulations, and orders related to rail safety and security must be nationally uniform to the extent practicable. A State may adopt or continue in force a law, regulation, or order related to rail safety or security until the Secretary of Transportation or the Secretary of Homeland Security prescribes a regulation or issues an order covering the subject matter of the State requirement. The FRA relies on 421 Federal safety inspectors and 160 State safety inspectors to monitor the railroads' compliance with federally mandated safety standards.

At the hearing, the Administrator of the FRA testified that the railroad industry's overall safety record has improved during recent decades, and most safety trends are heading in the right direction. The Administrator testified that the FRA has undertaken a number of initiatives to improve rail safety, including the National Rail Safety Action Plan; a rulemaking to Federalize core railroad operating rules governing the handling of track switches, leaving cars in the clear, and shoving cars; deployment of new track inspection vehicles; and development of positive train control technology. The Vice Chairman of the National Transportation Safety Board ("NTSB") testified that the NTSB continues to have concerns with several aspects relating to rail safety, including railroad fatigue, the transportation of hazardous materials in tank cars, and positive train control. The Department of Transportation Inspector General testified that it would like to see two key issues addressed in FRA reauthorization: (1) improving grade crossing safety through better compliance with safety regulations and by working with states, and (2) identifying safety trends through data analysis. The Government Accountability Office ("GAO") testified that based on a recent report on the FRA's overall safety oversight strategy, it recommended that FRA (1) put into place measures of the results of its inspection and enforcement program; and (2) evaluate its enforcement program.

Hearing on the Reauthorization of the Federal Rail Safety Program (Pt. II)

On January 31, 2007, the Subcommittee reconvened to continue receiving testimony on the Federal rail safety program and to discuss proposals for reauthorization of the FRA.

The President and Chief Executive Officer of the Association of American Railroads ("AAR") testified in support of the Committee

adopting performance-based, as opposed to design-based, standards in any reauthorization that addressed workplace safety regulation. The President of AAR also stated that the overall railroad industry safety record is excellent, reflecting the extraordinary importance railroads place on the safety of their employees and the communities they serve. The President of the Transportation Trades Department, AFL-CIO, testified that safety in the railroad industry has deteriorated in recent years and urged the Subcommittee to reauthorize the FRA in order to improve rail safety. He also urged the Subcommittee to adopt legislation that improved whistleblower protections; mandated minimum training standards, as well as methods to ensure that training programs are appropriate and effective; revise the Hours of Service statute to ensure workers obtain adequate rest; eliminate limbo time; and adopt new rail safety technologies. The President of the Teamsters Rail Conference testified that any reauthorization should include increased employee protections; address rail worker fatigue by counting limbo time as time on duty; require ten-hour calling times to ensure proper rest; ensure appropriate staffing; address dark territory; and eliminate camp cars. Finally, the American Association for Justice testified that the Subcommittee should adopt an amendment to clarify the preemption clause in the Federal Rail Safety Act, making it clear that any uniform standards established by the FRA pursuant to the FRSA are minimum standards.

Hearing on Fatigue in the Rail Industry

On February 13, 2007, the Subcommittee met to receive testimony on fatigue in the rail industry. The FRA reports that human factors are responsible for nearly 40 percent of all train accidents, and a new study confirms that fatigue plays a role in approximately one out of four of those accidents.

The hours of service law, which was originally enacted in 1907, and substantially amended in 1969, deals only with acute fatigue, not with cumulative fatigue. The law permits working 11 hours and 59 minutes followed by eight hours off duty and another 11 hours and 59 minutes on duty, perpetually. This kind of "backward-rotating shift" can wreak havoc on an employee's circadian rhythm.

Additionally, the law does not address "limbo time," which is the time when a crew's working assignment was finished and they are waiting for transport back to their homes. During limbo time, crewmembers are required to stay awake, alert, and able to respond to any situation and follow the railroad's operating rules, which means that crews are regularly on the job for 15 to 20 hours at a time.

The DOT on numerous occasions has formally submitted legislation to reform the hours of service law, supplement it with fatigue management requirements, or authorize the FRA to prescribe regulations on fatigue in light of current scientific knowledge. Currently, the statute contains no substantive rulemaking authority over duty hours. The FRA's lack of regulatory authority over duty hours, unique to FRA among all the safety regulatory agencies in the Department, precludes FRA from making use of almost a century of scientific learning on the issue of sleep-wake cycles and fa-

tigue-induced performance failures. Despite the need for reform to address fatigue, no action has been taken.

At the hearing, the Administrator of the FRA testified that the DOT should have the regulatory authority to replace the hours of service laws with scientifically based regulations, after first seeking consensus recommendations from the agency's Railroad Safety Advisory Committee. The Chairman of the NTSB testified that the Hours of Service Act was antiquated and should be revised. Additionally, the Chairman of the NTSB observed that in the past two decades, the Safety Board has issued 33 recommendations specific to railroad employee fatigue. The President of the AAR urged caution for any revisions to the Hours of Service Act. The Director of Regulatory Affairs for the Brotherhood of Locomotive Engineers and Trainmen urged the Subcommittee to pass common sense legislation enabling the FRA to affirmatively and aggressively regulate fatigue in our industry.

Hearing on the Role on Human Factors in Rail Accidents

The Subcommittee met on March 16, 2007, in San Antonio, Texas to receive testimony on the role of human factors in rail accidents. According to the FRA, there were 2,835 train accidents in 2006 (excluding grade crossing collisions), which resulted in six fatalities and 172 injuries. Twelve percent of these train accidents, or 342 of the 2,835 accidents, occurred in Texas—the highest number of train accidents among all of the states.

The FRA organizes the causes of train accidents into five categories: human factors; track and structures; equipment; signal and train control; and miscellaneous. Human factors and track defects consistently rank as the top two causes of all train accidents. According to the FRA, almost 40 percent of all train accidents are the result of human factors. Since 1994, when Congress last reauthorized the FRA, the number of train accidents caused by human factors has increased from 911 in 1994 to 1,000 in 2006. In 2006, 129 of the 342 train accidents that occurred in Texas were the result of human factors; 132 train accidents were caused by track defects.

The top five most common human factors causes for accidents are: improperly lined switches; absence of an employee on, at, or ahead of a shoving movement; failure to control a shoving movement; switch previously run through; failure to secure a hand brake; and cars left afoul. All of these accident causes were contributing factors in a series of accidents that occurred in Texas and across the U.S. over the last decade.

At the hearing, witnesses discussed accidents in Texas involving human factors, which resulted in hazardous materials releases, and a number of fatalities and injuries. Local witnesses urged the Subcommittee to consider mandating re-routing trains carrying hazardous materials, including those that are toxic-by-inhalation, around major metropolitan areas, such as San Antonio. The NTSB testified that the accidents would have been preventable had the railroads installed a positive train control ("PTC") system. The NTSB recommended that the Subcommittee mandate installation of PTC in the rail safety bill and address the issue of fatigue.

Hearing on Rail Safety Legislation

On May 8, 2007, the Subcommittee met to receive testimony on pending rail safety legislation. The FRA was last reauthorized in 1994; that authorization expired in 1998. Following the previous reauthorization, the Subcommittee and the previous Subcommittees that held jurisdiction over the FRA held 22 hearings on rail safety. On May 2, 2007, Chairman Oberstar and Chairwoman Brown introduced H.R. 2095, the Federal Railroad Safety Improvement Act of 2007. H.R. 2095 is a four-year reauthorization for the Federal rail safety program. It requires the Secretary to develop a long-term strategy for improving railroad safety; strengthens hours-of-service for signalmen and train crews by increasing rest time and eliminating limbo time; requires railroads to remove and maintain clear from its right-of-way at all grade crossings all vegetation that may obstruct the view of pedestrians and motor vehicle operators for a reasonable distance in either direction; requires all railroads and States to report information on grade crossings to the Secretary to enable the Secretary to update the DOT's grade crossing inventory; increases the ceiling for civil penalties for general railroad safety violations, accidents and incident violations, and hours-of-service violations; requires Class I railroads to implement positive train control systems by December 31, 2014; requires the Secretary to issue a regulation requiring railroads to manage the rail in their tracks to minimize accidents due to internal rail flaws; and requires the Secretary to establish minimum training standards for each craft of railroad employees.

At the hearing, the Administrator of the FRA urged the Subcommittee to adopt H.R. 1516, the Administration's alternative to H.R. 2095. The President of TTD supported H.R. 2095, including the provisions requiring prompt medical attention for rail workers and stronger whistleblower protections. The Teamsters Rail Conference and the United Transportation Union stated that nothing is more important to improving rail safety than the provisions in H.R. 2095 relating to worker fatigue. However, the President of the AAR expressed a number of concerns with H.R. 2095, including the provisions that dealt with worker fatigue, limbo time, and positive train control.

Hearing on Federal, State, and Local Roles in Rail Safety

On August 9, 2007, the Subcommittee held a field hearing in Norwalk, California to receive testimony on Federal, State, and local roles in rail safety. Federal, State, and local governments all play a role in rail safety. The FRA administers the Federal rail safety program. It has the authority to issue regulations and orders pertaining to rail safety and to issue civil and criminal penalties to enforce those regulations and orders. The FRA relies on 421 Federal safety inspectors and 160 State safety inspectors to monitor the railroads' compliance with the federally-mandated regulations and orders. These inspectors operate out of eight regional offices and are divided into six safety disciplines: (1) Track and Structures; (2) Signal and Train Control; (3) Motive Power and Equipment; (4) Operating Practices, which includes (5) Drug and Alcohol; and (6) Hazardous Materials. They also promote numerous initia-

tives under the Highway-Rail Grade Crossing and Trespasser Prevention Programs.

Federal law requires all laws, regulations, and orders relating to rail safety to be nationally uniform to the extent practicable. A State may adopt or continue to enforce a law, regulation, or order related to rail safety until the Secretary of Transportation prescribes a regulation or issues an order covering the subject matter of the State requirement. A State may adopt or continue to enforce an additional or more stringent law, regulation, or order only in instances where the law, regulation, or order is necessary to eliminate or reduce an essentially local safety hazard; is compatible with a law, regulation, or order of the United States Government; and does not unreasonably burden interstate commerce.

While state rail safety standards are limited by the Federal preemption standard, they do play an important and growing role in monitoring railroads' compliance with federally-mandated safety standards. Today, 30 States employing 160 safety inspectors participate in the FRA's Rail State Safety Participation Program. State programs generally emphasized planned, routine compliance inspections; however, States may undertake additional investigative and surveillance activities consistent with overall program needs and individual State capabilities.

At the hearing, the Deputy Administrator of the FRA observed that a number of enforcement issues left to State and local governments control are important to railroad safety, especially to crossing safety. He stated that railroads are required to cooperate fully with local law enforcement authorities during their investigations of highway-rail grade crossing collisions, which are traffic accidents. Further, important issues relating to grade crossing safety are also matters of State law. Likewise, the prohibition of trespassing on railroad property and of vandalism of railroad property and other property that affects railroad safety is primarily a matter of State law that has a significant impact on railroad safety. Trespassing is the leading cause of death associated with the railroad industry, so this is an area where States can (and need to) make a tremendous contribution to railroad safety. The regional vice president for BNSF testified that the fundamental framework of the Federal rail safety program succeeds in providing an increasing level of safety, while allowing railroads, local communities and State public utility commissions to work together to address issues of concern related to operations through communities. The Mayor of Pico Rivera, who testified at the hearing, urged Congress to assist local communities by mandating a more aggressive and responsive role for the railroads, particularly as it relates to health and safety issues. Additionally, he urged Congress to mandate that railroads grant access to their rights-of-way by cities and communities on a case-by-case basis in order to mitigate safety, trash, graffiti and vandalism concerns in a timely fashion.

H.R. 2095, the Federal Railroad Safety Improvement Act of 2007

On May 1, 2007, Chairman James L. Oberstar and Subcommittee Chairwoman Corrine Brown introduced H.R. 2095, the Federal Railroad Safety Improvement Act of 2007. The Committee reported H.R. 2095 favorably to the House on September 19, 2007.

The House passed the bill 377–38 on October 17, 2007. The House and Senate negotiated a final bill, which combined H.R. 2095 and H.R. 6003, and passed the House by voice vote on September 24, 2008 and the Senate 74–24 on October 1, 2008. The bill was signed into law by the President on October 16, 2008 (Public Law No. 110–432).

H.R. 2095 reauthorizes the Federal Railroad Administration ("FRA") and provides $1.625 billion for our nation's rail safety program over the period encompassing fiscal years 2009 through 2013. The authorization of the rail safety program expired a decade ago, in 1998.

The Act clarifies that the mission of the FRA is to ensure that safety is the highest priority; creates a new position of Chief Safety Officer; requires the Secretary of Transportation to develop a long-term strategy for improving rail safety, which must include an annual plan and schedule for, among other things, reducing the number and rates of accidents, injuries, and fatalities involving railroads; and requires annual reporting from the Secretary on the Department's progress in implementing unmet statutory mandates and open safety recommendations by the Department of Transportation's Inspector General and the National Transportation Safety Board ("NTSB").

The Act implements a number of long-standing NTSB safety recommendations by requiring all Class I railroads and intercity passenger and commuter railroads to install a positive train control system by December 31, 2015, on all main-line track where intercity passenger railroads and commuter railroads operate and where toxic-by-inhalation hazardous materials are transported; reforming hours-of-service standards to provide train crews with more rest time; requiring Class I railroads to provide emergency escape breathing apparatus for all crewmembers on freight trains carrying hazardous materials; and strengthening track and grade crossing safety.

The Act also enhances railroad worker training; prohibits railroads from denying, delaying, or interfering with the medical treatment of injured workers; increases civil penalties for certain rail safety violations; enhances bridge and tunnel safety; establishes a program at the NTSB to assist victims and their families involved in a passenger rail accident, modeled after a similar aviation disaster program; and ensures that State governments are able to protect their citizens against environmental hazards, such as noxious fumes or leaks into groundwater, which could result from operation of a waste processing facility by a railroad.

4. Rail Security. On March 7, 2007, the Subcommittee on Highways and Transit and the Subcommittee on Railroads, Pipelines, and Hazardous Materials held a joint hearing to examine the current issues in transit and rail security, including the roles and responsibilities of the Department of Homeland Security, the Federal Transit Administration, and the Federal Railroad Administration; the state of preparedness in the transit, rail, and over-the-road bus industries; and Federal programs and activities that help meet the security needs and funding priorities for mitigation of security threats against the Nation's transit, rail, and over-the-road bus systems.

At the hearing, the President of the Association of American Railroads ("AAR") testified that the railroads should have access to pertinent intelligence information in creating their security plans, and remain in constant communication with the Transportation Security Administration ("TSA"), the Department of Defense, and the Department of Transportation. The Government Accountability Office recommended that TSA complete risk assessments, develop rail security standards based on best practices, and consider implementing practices used by foreign rail operators. The Amtrak Inspector General recommended that security standards and best practices be fully developed before promulgating security regulations and to ensure linkage between security and safety. Labor testified that Congress should mandate security training for workers.

On January 9, 2007, the House passed H.R. 1, the Implementing Recommendations of the 9/11 Commission Act of 2007. H.R. 1 was signed into law on August 3, 2007, and included several provisions to improve rail security. These provisions included requiring the Secretary to establish a task force to help develop a Federal strategy to improve railroad security; requiring railroads to provide security planning for frontline employees; providing grants to railroads for security improvements and to Amtrak for security upgrades and fire and life-safety improvements to tunnels in New York, NY, Baltimore, MD, and Washington, DC; and requiring the Secretary of the DOT to issue a rule requiring that rail carriers that ship security-sensitive materials identify alternate routes, analyze the safety and security considerations of such alternative routes, and use such routes with the least safety and security risk when transporting security-sensitive materials.

5. Reauthorization of Amtrak. The authorization for Amtrak expired at the end of fiscal year 2002. The Subcommittee held six hearings on Amtrak and intercity passenger rail systems, including high-speed rail, and Amtrak reauthorization legislation. These hearings also provided oversight of Amtrak's performance and operations. These hearings were:

Hearing on International High Speed Rail Systems

On April 19, 2007, the Subcommittee held a hearing to examine international high-speed rail systems. High-speed rail is a form of rail transport, commonly defined as electronically propelled trains that operate at speeds exceeding 150 miles per hour ("mph"), with many trains testing at speeds in excess of 320 mph. At high speeds, trains must be completely grade separated, meaning there are no at-grade crossings with roads or other modes of transportation. The tracks are fenced to prevent intrusion, and the trains must run on dedicated alignments with few stops to maximize performance. High-speed trains also must have sophisticated, modern signaling and automated train control systems.

High-speed rail transportation is widely use in France, Germany, Great Britain, Spain, Italy, Japan, China, South Korea, Sweden, and the Netherlands. By comparison, the only American line that can approach the speeds of the European and Asian high-speed rail systems is Amtrak's Acela line, which operates between Washington, DC and Boston. The Acela is capable of achieving speeds of up to 135 mph between Washington, DC and New York, NY and

150 mph between New York, NY and Boston, MA, but usually averages considerably less than that (82 mph and 66 mph, respectively), largely due to congestion and track conditions.

Witnesses appearing at the hearing testified on behalf of France, Japan, China, Spain, and the International Railway Association. Witnesses stated the reason for high-speed rail's success is due to a number of factors, including their governments' willingness to invest significant public funds to develop high-speed rail and to make rail a fierce competitor to other modes. The witnesses also testified to the benefits of high-speed rail, including job creation and environment benefits.

Hearing on Amtrak Strategic Initiatives

On June 12, 2007, the Subcommittee held a hearing to review Amtrak's fiscal year ("FY") 2008 Strategic Plan ("Plan"). The Plan is a collaborative product of Amtrak's management and Board of Directors that establishes certain business goals to improve profitability, expand and enhance services, improve its physical assets, and improve employee and passenger safety.

At the hearing, Amtrak's President and Chief Executive Officer ("CEO") testified that Amtrak was developing a strategic plan to meet these challenges. This included focusing on continued company-wide cost reduction initiatives to reduce Amtrak's reliance on federal operating assistance and increasing revenue by adding frequencies and improving revenue management. Amtrak's other key goals and objectives include containing cost growth, improving financial transparency, providing a safe environment for employees and passengers, improving the management of our human capital, and finally conserving natural resources. The Plan intends to reduce Amtrak's dependence on Federal operating support over the next five fiscal years by increasing revenue and containing costs. Amtrak's President and CEO also outlined several goals Amtrak would like to accomplish in a reauthorization bill. These were to solidify Amtrak's role in providing intercity passenger rail service, including establishing a federal policy for corridor development, improving long-distance services to better link state and regional corridors, and becoming a more relevant transportation alternative. He also stated that it should help Amtrak take advantage of opportunities to connect Amtrak's intercity trains with other modes of travel.

Hearing on the Benefits of Intercity Passenger Rail

On June 26, 2007, the Subcommittee held a hearing to examine the benefits of intercity passenger rail. Nearly all intercity passenger rail in the United States is operated by the National Railroad Passenger Corporation, otherwise known as Amtrak. Most of this service is part of Amtrak's "basic system" that includes a network of 21,000 miles of rail over which 300 trains operate per day (excluding commuter trains) serving more than 500 communities in 46 states. In addition, a number of states have contracted with Amtrak to operate state-supported intercity passenger rail services. Amtrak serves over 24.3 million passengers annually, generating ticket revenues above $1.37 billion.

At the hearing, the Secretary of the Wisconsin Department of Transportation testified of the benefits intercity passenger rail poses for congestion relief, economic develop, and disaster relief. The Commissioner of the New York Department of Transportation testified of the important interconnectivity benefits Amtrak provides New York for the rest of the Northeast Corridor. The Chair of the Midwest Interstate Passenger Rail Commission testified that passenger rail development is a bargain compared to building roads and airports. For example, one railroad track can carry the same number of people as a 10-lane highway, at a fraction of the cost. Finally, the High-Speed Rail Project Manager for the Environmental Law and Policy Center urged the Subcommittee to adopt legislation that favored increased support for Amtrak and intercity passenger rail.

Hearing on Amtrak's Capital Needs

On July 11, 2007, the Subcommittee held a hearing to examine Amtrak's capital needs, as part of a larger effort to introduce Amtrak reauthorization legislation. In 2005, Amtrak completed a comprehensive catalog of its capital needs. The analysis showed a $4.2 billion backlog of investment to bring the Amtrak engineering infrastructure system to a state-of-good-repair ("SOGR"), excluding some major bridge and tunnel work. With the backlog of bridge and tunnel work included, that backlog approaches an estimated $6 billion. The current SOGR backlog is based on the population of assets beyond their current design life at the current unit cost to replace those assets. There is a corresponding annual incremental investment needed to maintain the infrastructure once at a SOGR.

Even with adequate funding, resources, and additional equipment, Amtrak estimates the backlog of work will take a minimum of 10 years to complete to maintain a reliable level of rail service as the construction is completed. Based on a 10-year catch-up scenario, the Amtrak capital funding needed during this period would be approximately $715 million per year through fiscal year 2011 and $600 million per year for each fiscal year 2012 to 2016 (in 2005 dollars).

Additionally, there are plans to focus its attention on renewing its aging fleet of locomotives and passenger cars while making the best use of existing equipment. Amtrak estimates that the average age of its locomotives is 11 years, with locomotives ranging from 5 to 25 years old. The average lifespan of a locomotive is 25 to 30 years. The average age of Amtrak's passenger cars is 23 years, with passenger cars ranging from 5 to 55 years old. The average lifespan for passenger cars is 40 to 50 years. Amtrak estimates that it would cost $4 billion to replace its entire fleet of 1,542 passenger cars at $2.5 million per unit, and $2.5 billion to replace its entire fleet of 497 locomotives at $5 million per unit.

Amtrak's President and CEO, Alexander Kummant, who testified at the hearing, observed that an important component to helping Amtrak reduce its backlog effectively and quickly is the security of a multi-year funding bill. This would allow Amtrak to plan its workforce, capital project schedule, and organization more effectively. Also, Mr. Kummant observed that the reason the Northeast Corridor is not a dedicated high-speed corridor is partially due to

its history of serving all communities along the corridor. Cost is also a factor. Amtrak estimates it would cost approximately $10 billion to engineer the corridor to reduce trip time to 2 hours and 20 minutes (from current trip time of 2 hours and 45 minutes).

Hearing on the Role of Intercity Passenger Rail During National Emergencies

On February 11, 2008, the Subcommittee held a field hearing in New Orleans, Louisiana to receive testimony on the role of intercity passenger rail during national emergencies. Intercity passenger rail has many advantages in disaster situations, including evacuating residents, transporting first responders and equipment to assist disaster relief efforts, and often responding to people who lack alternative modes of transportation, such as those who rely on public transportation. Further, it is helpful for transporting individuals that need special assistance due to medical conditions or hospitalization. Finally, it is sometimes the only mode available to transport people and equipment medium- and long-distances in a timely manner.

The Mayor of New Orleans, who testified at the hearing, reported that passenger rail is a critical component of the City's evacuation planning, and urged Congress to support full funding for Amtrak. Dr. John Bertini, a witness who assisted with the evacuation of New Orleans following Hurricane Katrina, testified that intercity passenger rail allows evacuees to be cared for while rapidly fleeing danger under the care of a small number of crew. The Southern Rapid Rail Transit Commission testified that while intercity passenger rail is an important resource for evacuation, its greatest contribution comes in the post-disaster recovery phase for displaced residents.

Hearing on Amtrak Reauthorization Legislation

On May 14, 2008, the Subcommittee held a hearing to receive testimony on Amtrak reauthorization legislation, H.R. 6003, the Passenger Rail Investment and Improvement Act of 2008. Amtrak was last reauthorized in 1997 for the period FY1997 to FY2002 at a total funding level of $5.16 billion. This authorization provided only enough funding for Amtrak to continue operations, but little more to improve its infrastructure or bring its network to a state-of-good-repair.

Since the last authorization expired in 2002, numerous bills were introduced in the 107th, 108th, and 109th Congresses to reauthorize Amtrak. The Committee on Transportation and Infrastructure reported several bills to reauthorize Amtrak. Despite strong bipartisan support in the Committee for Amtrak reauthorization, none of the bills were considered by the full House of Representatives. Since the last authorization expired in 2002, the Subcommittee and its predecessor subcommittees have held 11 hearings on Amtrak.

H.R. 6003 substantially increases capital and operating grants to Amtrak. It includes an average of $1.34 billion per year in capital grants for a new state grant program and for Amtrak's capital needs and $606 million per year in Amtrak operating grants. It also provides $350 million per year to develop high-speed rail corridors.

At the hearing, Wisconsin's Secretary of Transportation testified that the federal funding authorized by H.R. 6003 over the next five years will insure a sound financial foundation for Amtrak operations in the Northeast Corridor, for Amtrak's long-distance trains, and for Amtrak partnerships with states in regional corridors. The President and CEO of Amtrak testified that the bill was a strong statement of support for Amtrak and intercity passenger rail.

H.R. 6003, the Passenger Rail Investment and Improvement Act of 2008

On May 8, 2008, Chairman Oberstar, Ranking Member Mica, Chairwoman Brown, and Ranking Member Shuster introduced H.R. 6003, the Passenger Rail Investment and Improvement Act of 2008. The Committee reported H.R. 6003 favorably to the House on June 5, 2008. The House passed the bill 311–104 on June 11, 2008. The House and Senate negotiated a final bill, which combined H.R. 2095 and H.R. 6003, and passed the House by voice vote on September 24, 2008 and the Senate 74–24 on October 1, 2008. The bill was signed into law by the President on October 16, 2008 (Public Law No. 110–432).

The Passenger Rail Investment and Improvement Act of 2008 reauthorizes Amtrak and provides a total of $13.06 billion over five years to help bring the Northeast Corridor to a state-of-good-repair, and encourage the development of new and improved intercity passenger rail service through an 80–20 Federal/State matching grant program. It also provides $1.5 billion for the planning and development of high-speed rail corridors.

Specifically, the Act authorizes $5.315 billion over five years to Amtrak for capital grants and $2.949 billion over five years for operating grants. Past inconsistent Federal support has hampered Amtrak's ability to replace catenaries, passenger cars, bridges, ties, and other equipment necessary for Amtrak to provide service. These capital grants will help bring the Northeast Corridor to a state-of-good-repair, and allow Amtrak to procure new rolling stock, rehabilitate existing bridges, and make additional capital improvements on its entire network. In addition, the operating grants authorized under the bill will help Amtrak pay salaries, health costs, overtime pay, fuel costs, facilities, and train maintenance and operations. These operating grants will also ensure that Amtrak can meet its obligations under its recently negotiated labor contract.

In an effort to encourage the development of new and improved intercity passenger rail services, the Act creates a new State Capital Grant program for intercity passenger rail projects. The bill provides $1.9 billion over five years for grants to States to pay for the capital costs of facilities and equipment necessary to provide new or improved intercity passenger rail. Out of these funds, $325 million is reserved for grants to States and to Amtrak for projects that increase capacity along certain rail lines in order to reduce congestion and facilitate ridership growth.

The Act also authorizes $1.5 billion over five years for grants to States and/or Amtrak to finance the construction and equipment for 11 authorized high-speed rail corridors. In addition, the Act requires the Secretary of Transportation to issue a request for proposals for projects for the financing, design, construction, and oper-

ation of 10 federally designated high speed rail corridors and the Northeast Corridor. Proposals would need to meet certain financial, labor, and planning criteria, as well as a detailed description to account for any impacts on existing passenger, commuter, and freight rail traffic to be considered. If the Secretary receives a qualifying proposal, she would be directed to form a Commission to study any proposals received. The Secretary would issue a report to the Congress on the Commission's findings and her recommendations for each of the corridors. Any further action on a proposal would need legislative approval by Congress.

Finally, the Act authorizes $1.5 billion for fiscal years 2009 through 2019 for capital preventive maintenance grants for the Washington Metropolitan Area Transit Authority, and includes a number of measures to reform Amtrak's operations and Amtrak's financial and accounting procedures; improve Amtrak's on-time performance; reduce Amtrak's debt; and resolve disputes between commuter and freight railroads. The Act also extends the number of years a recipient of a Railroad Rehabilitation and Improvement Financing ("RRIF") loan would have to be repaid from 25 years to 35 years. These loans will help railroads, States, government-sponsored authorities, and shippers improve capacity. Funding from the RRIF program can also be used to develop intercity and high-speed rail systems and purchase and install positive train control systems.

6. Reauthorization of the Surface Transportation Board. The authorization for the Surface Transportation Board ("STB") expired at the end of fiscal year 1998. The Subcommittee held four oversight hearings on the STB in the 110th Congress in preparation to reauthorize the STB in the 111th Congress. The hearings were:

Hearing on Rail Competition and Service

On September 25, 2007, the Full Committee held a hearing to examine the state of competition rail customers, and the efforts to the STB to address these concerns. At the hearing, the GAO testified that the STB should undertake a number of initiatives to address shipper concerns. These include requiring greater reporting of freight railroads revenues, especially miscellaneous revenues. The GAO also stated that it is too soon to evaluate recent steps taken by the STB to improve its rate relief process. The Chairman of the STB listed a number of activities the Board has undertaken to improve its services for shippers, including a rulemaking on the railroads' cost of capital, commissioning a study on competition in the rail industry, and a rulemaking on interchange agreements, also known as "paper barriers." The Commissioner of the STB observed that Staggers Act did not "de-regulate" the railroads, but instead "mostly de-regulated" the railroads. The CEO of the National Rural Electric Cooperative Association testified that high costs and unreliable service have become the accepted norm for most railroad companies and shippers simply have nowhere to turn. He testified that in recent years, shippers have been unable to get any rate relief when their rates amount to 3 to 5 times—or more—the direct cost of moving the freight in question. The President and CEO of the Union Pacific Railroad, meanwhile, testified that the railroad industry agrees with the current regulatory scheme, but any

change to the railroads rate structure will impact how they can expand their networks to meet growing demand.

Hearing on Railroad-Owned Solid Waste Transload Facilities

The Subcommittee held a second oversight hearing of the STB on October 16, 2007 to receive testimony on railroad-owned solid waste transload facilities. The purpose of this hearing was to examine the growing concern in the Northeast that some railroads are using federal preemption standards to shield themselves from important state and local environmental laws regarding the movements of municipal solid waste ("MSW"). At the hearing, the Chairman of the STB observed that there are three ways that issues involving the handling of solid waste at facilities proposed to be located at rail lines come before the Board: (1) proposals to build a new line into a new service area; (2) proposals that involve a new carrier or a small Class III carrier seeking to acquire and operate an existing line; and (3) the construction of facilities ancillary to already-authorized rail lines. The Chairman also testified that state and local laws are preempted only if the particular action would prevent or unreasonably interfere with rail transportation. The Vice Chairman of the STB testified that while the Board has taken a more assertive stance toward cases involving waste, more should be done. He also testified that a clarification of the railroad preemption law by Congress may be appropriate. The Mayor of the Village of Croton-on-Hudson, New York related instances that were similar to other witnesses present at the hearing. He testified of a recent instance in which the Metro Enviro Transfer ("MET"), a business operating a construction and demolition debris transfer station, recently attempted to bypass a Village order and a state Supreme Court ruling to close its transfer station by filing with the STB for preemption to operate as a railroad. The Village had ordered MET to close the station due to repeated violations of State and local environmental protection laws. While MET later dropped their application with the STB and closed the station, the Mayor warned the Subcommittee that he is aware of other businesses interested in the MET station site and may pursue the railroad preemption route to bypass local and state environmental protection laws. The Mayor urged the Subcommittee to clarify the railroad preemption, otherwise local communities would be contending with more examples like MET.

Hearing on Investment in the Rail Industry

On March 5, 2008, the Subcommittee held a hearing on Wall Street investment trends in the railroad industry. In recent years, the railroad industry, and in particular the Class I railroads, have become attractive investments for Wall Street. In 2006, Atticus Capital, an activist hedge fund, publicly filed as a major shareholder of the Union Pacific ("UP"), CSX, Norfolk Southern ("NS"), and BNSF railroads. In February 2007, a private equity firm, Fortress Investment Group, completed a buyout of short line rail service provider RailAmerica. In April 2007, Warren Buffett purchased an 11% equity stake in BNSF, as well as holdings in NS and UP. A few weeks later, CSX reported that activist shareholder the Children's Investment Fund had purchased a 2.5% interest in CSX.

This activity continued in 2008, with Mr. Buffett increasing his equity stake in BNSF to 18%. The Children's Investment Fund also increased its interest in CSX and nominated an alternate slate of directors to the CSX Board that was decided at its May 2008 Annual Shareholder meeting.

The Chairman of the Surface Transportation Board, who testified at the hearing, acknowledged that a dominant investor with a very short-term focus could harm the long-term prospects of a particular company as well as disrupt interstate commerce if a policy of diverting revenues, neglecting shippers, and cutting back on capital spending were to be implemented. A railroad controlled by a large non-railroad investor, however, is still bound by the same obligations of all railroads: it must fulfill the common carrier obligation; it must maintain reasonable rates and practices; and it must file for abandonment or discontinuance authority if it is not going to provide service over a line. The Vice Chair of the Surface Transportation Board, who also testified at the hearing, observed that investment horizons for Wall Street and for a railroad are often different: a "long term" investment for a private equity firm may be five years while five years may be a short period of time in the rail industry.

Hearing on H.R. 6707, the Taking Responsible Action for Community Safety Act

On September 9, 2008, the Committee on Transportation and Infrastructure held a hearing to discuss H.R. 6707, the "Taking Responsible Action for Community Safety Act." The main purpose of H.R. 6707 is to establish that when the Surface Transportation Board ("STB") considers a merger involving a Class I railroad and a Class II or III railroad the Board has the power to disapprove the merger if the Board finds that the adverse environmental effects of the merger outweigh its transportation or other benefits. Under current law, the Board has the authority to disapprove a merger involving at least two Class I carriers if the transaction is not consistent with the public interest, but has never disapproved a Class I merger on environmental grounds. Some STB staff believes that under existing law the Board also has authority to disapprove a merger involving a Class II or Class III rail carrier on environmental grounds. However, there is a provision in existing law indicating that in a merger involving a Class II or Class III rail carrier, the Board can only disapprove the merger if it would have adverse competitive effects. Additionally, it is not clear whether the Board Members share the staff's view that they have authority under existing law to disapprove a merger involving a Class II or Class III rail carrier on environmental grounds. If the Board did take this position, there is a substantial possibility that a reviewing Court would not accept their interpretation of existing law.

The Chairman of the Surface Transportation Board testified at the hearing that H.R. 6707 raises "a legal issue of first impression that has not been addressed by the Board or any court." The President and CEO of Canadian National testified that the legislation would direct the STB to mix its competition with its environmental review to the effect of impeding important national transportation policy concerns. The President of the Village of Barrington testified

that the STB's treatment of past merger and acquisition transactions illustrates that it doubts whether it has the authority to reject such transactions on environmental grounds. Additionally, the Executive Director of the Northwestern Indiana Regional Planning Commission testified that the large number of detrimental environmental impacts to the communities along the EJ&E line necessitated that the ambiguity of the Board's authority to weigh environmental impacts of proposed mergers be clarified.

H.R. 6707, the Taking Responsible Action for Community Safety Act

On July 31, 2008, Chairman Oberstar introduced H.R. 6707, the Taking Responsible Action for Community Safety Act. On September 26, 2008, the Committee favorably reported H.R. 6707 to the House. The bill was considered by the House under suspension of the rules on September 27, 2008, and failed 243—175. No further action was taken on the legislation.

H.R. 6707 enables the Surface Transportation Board ("STB") to thoroughly consider the public interest when evaluating a proposed railroad merger or consolidation that includes at least one Class I railroad. Under current law, the STB is required to approve all mergers and consolidations between a Class I railroad and a Class II or Class III railroad unless the Board finds that the merger is likely to cause a substantial lessening of competition, create a monopoly, or restrain trade in freight surface transportation in any region of the United States; and that the anticompetitive effects of the transaction outweigh the public interest in meeting significant transportation needs.

Specifically, the bill requires the STB to consider, in a merger or consolidation proceeding, the safety and environmental effects of the proposed transaction, including the effects on local communities, such as public safety, grade crossing safety, hazardous materials transportation safety, emergency response time, noise, and socioeconomic impacts. It also requires the STB to consider the effects of the proposed transaction on intercity passenger rail and commuter rail.

The bill prohibits the STB from approving or authorizing a merger or consolidation if it finds that the transaction is inconsistent with the public interest because the transaction's impacts on safety and on all the affected communities outweigh the transaction's benefits. Further, the bill authorizes the STB to impose conditions to mitigate the effects of the transaction on local communities when such conditions are in the public interest.

7. Passenger and Freight Rail Infrastructure Investment. According to the U.S. Department of Transportation's Freight Analysis Framework, rail traffic is expected to rise more than 50 percent, from 1.8 billion tons to 2.9 billion tons by 2020. Rail passenger service has also grown. In FY 2007, Amtrak carried more than 25.8 million passengers, the fifth straight fiscal year of record ridership. This record ridership, because 70 percent of the miles traveled by Amtrak trains are on tracks owned by the freight railroads, combined with record freight rail traffic levels, means that there is a tremendous amount of pressure bearing down on our nation's rail system. As rail traffic continues to grow, the railroads will have to concentrate increasingly on replacing and building new capacity,

such as multi-tracking key corridor routes, adding new sidings or extending existing ones at key locations, constructing new intermodal or transloading facilities, and investing in new technologies. The Federal Government will also have to take responsibility for ensuring that all facets of our transportation system are in working order. The Subcommittee held two hearings on passenger and freight rail infrastructure investment needs:

Hearing on Investment in the Rail Industry

On March 5, 2008, the Subcommittee held a hearing on Wall Street investment trends in the railroad industry. In recent years, the railroad industry, and in particular the Class I railroads, have become attractive investments for Wall Street. In 2006, Atticus Capital, an activist hedge fund, publicly filed as a major shareholder of the Union Pacific ("UP"), CSX, Norfolk Southern ("NS"), and BNSF railroads. In February 2007, a private equity firm, Fortress Investment Group, completed a buyout of short line rail service provider RailAmerica. In April 2007, Warren Buffett purchased an 11% equity stake in BNSF, as well as holdings in NS and UP. A few weeks later, CSX reported that activist shareholder the Children's Investment Fund had purchased a 2.5% interest in CSX. This activity continued in 2008, with Mr. Buffett increasing his equity stake in BNSF to 18%. The Children's Investment Fund also increased its interest in CSX and nominated an alternate slate of directors to the CSX Board that was decided at its May 2008 Annual Shareholder meeting.

The Chairman of the Surface Transportation Board, who testified at the hearing, acknowledged that a dominant investor with a very short-term focus could harm the long-term prospects of a particular company as well as disrupt interstate commerce if a policy of diverting revenues, neglecting shippers, and cutting back on capital spending were to be implemented. A railroad controlled by a large non-railroad investor, however, is still bound by the same obligations of all railroads: it must fulfill the common carrier obligation; it must maintain reasonable rates and practices; and it must file for abandonment or discontinuance authority if it is not going to provide service over a line. The Vice Chair of the Surface Transportation Board, who also testified at the hearing, observed that investment horizons for Wall Street and for a railroad are often different: a "long term" investment for a private equity firm may be five years while five years may be a short period of time in the rail industry.

Hearing on Rail Capacity

The Subcommittee met on April 23, 2008 to hold a hearing to examine current and projected demand on the nation's freight, intercity passenger, and commuter rail infrastructure. Freight railroads move more than 40 percent of the nation's freight (measured in ton-miles). In 2007, Amtrak, the nation's primary intercity passenger rail provider, moved 25.8 million passengers while the nation's 22 commuter rail providers had 460 million trips in 2007. While it is uncertain the extent that demand for rail service will grow in the future, but two recent studies suggest that this demand will be significant. The American Association of State High-

way and Transportation Officials report that even moderate growth projections in the economy—about 3 percent per year—will result in a 57 percent increase in domestic tonnage by 2020 and import-export tonnage will increase by 100 percent. A more aggressive projection by the bipartisan National Surface Transportation Policy and Revenue Study Commission ("Commission") predicts U.S. economic output will lead to an increase of the total freight movements by 92 percent over the next 30 years. This growth will also add further challenges to intercity and commuter rail growth, which has been enjoying record ridership growth in recent years.

At the hearing, the President and CEO of Amtrak testified that the two principle causes of Amtrak's poor on-time performance ("OTP") are interference with Amtrak trains by freight trains and "slow orders" on freight track. A recent DOT IG report calculated that an 85% OTP for Amtrak would have resulted in an increase in revenue of $136.6 million in FY2006. Cambridge Systematics, which prepared the study for the Commission, testified that to meet projected freight rail demand, the Class I railroads will need to increase their infrastructure investment from the current average of $1.5 billion per year to at least $4.8 billion per year through 2035. Cambridge Systematics concluded that the Class I railroads could increase their annual infrastructure expansion investment to $3.4 billion, leaving a $1.4 billion shortfall that would need to be made up from other sources. The President of the Association of American Railroads recommended that Congress pass the Rail Infrastructure Tax Credit, the Short Line Tax Credit, and support Public-Private Partnerships to make up this investment shortfall.

Amendment to the Railroad Rehabilitation and Improvement Financing Program

On October 16, 2008, the President signed H.R. 2095 into law. This legislation included an amendment to the Railroad Rehabilitation and Improvement Financing ("RRIF") program. Under the RRIF program, the DOT provides loans and loan guarantees to States, local governments, government sponsored authorities, rail freight shippers, and railroads, particularly short-line and regional railroads, to improve and rehabilitate railroad tracks, bridges, and facilities. H.R. 2095 amended the RRIF program by extending the loan repayment period to 35 years.

RRIF Rulemaking

On October 30, 2008 Chairman Oberstar and Subcommittee Chairwoman Brown sent a letter to the Secretary of Transportation Mary Peters in opposition to the proposed DOT rule that would jeopardize the RRIF program. In the letter, Mr. Oberstar and Ms. Brown urged the Secretary to suspend the rulemaking due to concerns that the DOT rule would seriously undercut the RRIF program and railroad infrastructure investment and further weaken the construction sector in the U.S. economy. The proposed rulemaking would require RRIF applicants to meet new, additional criteria which are not required by law, including: (1) requiring an equity contribution of between 20 and 30 percent depending on the amount of the direct loan or loan guarantee; (2) cap the cumulative outstanding balance of loans or loan guarantees to a single bor-

rower to $500 million; and (3) to require applicants to obtain a credit rating or assessment if the application for financial assistance is in excess of $250 million. The rule was not finalized as of December 2008.

8. Implementation of the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006. The Department of Transportation's pipeline safety program was strengthened and reauthorized through 2010 at the end of the 109th Congress by the Pipeline Inspection, Protection, Enforcement and Safety Act of 2006 (The "PIPES Act"). The Subcommittee held a hearing to review the implementation of the PIPES Act on June 25, 2007. While the hearing took place more than 18 months following enactment of the PIPES Act, the Pipelines and Hazardous Materials Safety Administration had failed to fully implement eleven statutory requirements by the Congressionally-established deadline. Additionally, the Department of Transportation Inspector General ("DOT IG") had published a report critical of the efforts made by PHMSA and the Transportation Security Administration ("TSA") to implement a security annex necessary to implement national security measures, such as identifying critical infrastructure and key resources and developing security regulations, guidelines, and directives. The DOT IG also observed that there is a lack of clearly defined roles at the working level between PHMSA and TSA regarding compliance with security guidance. Because TSA's guidance is voluntary and PHMSA can enforce its LNG security regulations, pipeline operators may receive conflicting or confusing guidance as a result. The DOT IG recommended that PHMSA and TSA should take steps to address these concerns. Finally, the DOT IG recommended that PHMSA and TSA should maximize their resources for assessing pipeline operators' security plans and guidance. In response to the DOT IG's concerns, PHMSA and TSA testified that they understand the importance of the annex and that they would continue to work together to address the DOT IG's concerns.

As of December 2008, the DOT had still not implemented a number of the mandates contained in the PIPES Act including a final rule on low-stress pipelines, a final rule on integrity management programs for distribution pipelines, and a final rule on control room management including hours of service standards for pipeline employees.

9. Reauthorization of the Hazardous Materials Transportation Program. The Department of Transportation's hazardous materials safety program was reauthorized in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users ("SAFETEA–LU"). This authorization expired at the end of FY 2008. The Subcommittee staff met with PHMSA officials, industry, labor, and safety advocates to discuss issues relating to reauthorizing the program.

Subcommittee on Water Resources and Environment

1. Environmental Protection Agency ("EPA")—Clean Water Act and Water Infrastructure Programs. The Subcommittee held hearings and staff conducted multiple meetings with agency officials and interested parties to review wastewater treatment and water pollution control funding issues, including levels and sources of

funding, and management of grant and loan programs. This review included an assessment of both wastewater infrastructure and security needs, with particular emphasis on the growing wastewater infrastructure investment gap. The Subcommittee also conducted several hearings and meetings on regulatory and non-regulatory approaches to water pollution control, including watershed, market, and performance-based approaches to regulation; issues involving water quality standards; total maximum daily loads; effluent limitations; emerging contaminants; and compliance with the National Pollutant Discharge Elimination System. The Subcommittee also conducted several hearings and staff meetings on status of the nation's water quality monitoring network, as well as efforts to improve the management of combined and sanitary sewer overflows, storm water, and nonpoint source pollution.

2. Environmental Protection Agency and Army Corps of Engineers—Clean Water Act Jurisdiction. The Committee, with the active participation of Subcommittee staff, held several hearings on the impact of two recent Supreme Court decisions on the progress (and capability) of the Clean Water Act to restore and maintain the chemical, physical, and biological integrity of the nation's waters. In addition, the Subcommittee staff worked with the staff of the Committee on Oversight and Government Reform to investigate the impacts of recent Supreme Court decisions and agency implementation guidance on the implementation of the Clean Water Act. Finally, the Subcommittee staff conducted several meetings with Federal and State agency officials and interested parties to discuss potential legislation to restore the historic scope of the Clean Water Act prior to the two Supreme Court decisions.

3. Environmental Protection Agency Grants. Although great strides have been made pursuant to oversight of the grants management activities at the EPA, the subcommittee continued its oversight of proposed reforms to ensure that these reforms were incorporated into agency policy. The Subcommittee staff held several meetings with agency officials and interested parties on this issue, and will continue to review implementation of EPA grant management issues to ensure that Federal funds are expended consistent with applicable laws.

4. Army Corps of Engineers ("Corps") Water Resources Program. The Subcommittee reviewed efforts to improve the efficiency and effectiveness of the organization and the management and mission of the civil works program of the Army Corps of Engineers. Following enactment of the Water Resources Development Act of 2007, the Subcommittee staff worked with the Oversight staff of the Committee to carry out extensive oversight of the Corps' implementation of policy and management reforms and modifications to the Corps' planning, design, construction, and mitigation programs, The Subcommittee also reviewed the agency's regulatory programs, including those pertaining to the regulation of dredge and fill activities affecting the waters of the U.S., including wetlands, with particular emphasis on the effects of recent Supreme Court decisions affecting the jurisdiction on the Clean Water Act, and agency implementation guidance interpreting this decision.

5. CERCLA/Superfund and Brownfields. The Subcommittee reviewed efforts to improve the efficiency and effectiveness of the con-

taminated site cleanup process and the process of assessing natural resources damages. The Subcommittee held a hearing and conducted several staff meetings with agency officials and interested parties related to EPA's brownfields program, including discussions on the reauthorization of appropriations for and other suggested policy changes to the Brownfields Revitalization and Environmental Restoration Act.

6. Corps, EPA, and Other Regional Water and Ecosystem Restoration Issues. The Subcommittee conducted several hearings and staff meetings to review regional and local projects, issues, and controversies involving: water quality; water supply; water resources conservation, development, management, and policy; environmental restoration and protection; and flood damage reduction. The focus of these hearings and meetings was on ways to improve the overall coordination of potentially competing water-resource needs in order to comprehensively understand and address watershed needs. The Subcommittee also held hearings and staff meetings to discuss the potential impacts of global climate change on the nation's water resource needs, as well as develop recommendations for Federal and State governments and interested groups to be more proactive in preparing for the nation's future water resource needs.

7. National Invasive Species Act. In coordination with the Subcommittee on Coast Guard and Maritime Transportation, the Subcommittee reviewed efforts by various agencies to implement the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, as amended by the National Invasive Species Act of 1996. The Subcommittee held hearings and conducted multiple meetings with Federal and State agency officials, and other interested stakeholders to investigate the potential economic and ecological harms posed by aquatic invasive species, as well as to review the efficacy of the several Federal environmental statutes, including the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 and the Clean Water Act, to control and prevent the introduction and establishment of new aquatic invasive species in U.S. waters through ballast water, and protect water quality.

8. Tennessee Valley Authority ("TVA"). The Subcommittee reviewed TVA programs, including its energy program and operations, TVA's management structure, and the impact of TVA debt. The Subcommittee staff held several meetings with agency staff to review the overall operation of TVA.

9. Saint Lawrence Seaway Development Corporation ("SLSDC"). The Subcommittee reviewed the efficiency and effectiveness of the SLSDC's current operations and structure; the condition of the SLSDC's physical infrastructure and its effect on the existing and future operations of the Seaway; issues related to national security and the economy; and the relation of the SLSDC to the St. Lawrence Seaway Management Corporation, its Canadian counterpart. The Subcommittee staff held several meetings with agency staff to develop recommendations and legislative proposals to modernize the SLSDC's physical assets, including enactment of legislation to implement a 10-year U.S. Asset Renewal Program Capital Investment Plan for the Seaway.

10. EPA and Coast Guard Oil Pollution Act ("OPA"). In coordination with the Subcommittee on Coast Guard and Maritime Trans-

portation, the Subcommittee reviewed the oil spill response, planning, and liability provisions under OPA and the Clean Water Act, and enforcement activities under the oil spill prevention and response laws, with particular emphasis on the effects of recent Supreme Court decisions on agency enforcement activities.

11. Ocean and Coastal Programs and Policies. The Subcommittee reviewed dredged material management and disposal under the Ocean Dumping Act, Water Resources Development Acts, and the Clean Water Act. The Subcommittee staff conducted hearings on ocean and coastal programs and policies, including various ocean and coastal water quality and shoreline protection issues under the Clean Water Act, the Coastal Zone Management Act, Coastal Zone Act Reauthorization amendments, and the Water Resources Development Acts. Oversight activities of the Subcommittee culminated in several changes related to the beneficial reuse of dredged material by the Corps of Engineers, as enacted in the Water Resources Development Act of 2007.

12. Natural Resources Conservation Service ("NRCS") Small Watershed Program. The Subcommittee reviewed the Small Watershed Program, authorized under P.L. 83–566, and conducted by the U.S. Department of Agriculture's NRCS, including the relation between these programs and other conservation, environmental restoration, and flood damage reduction efforts. The Subcommittee included NRCS as part of its annual budget hearings and review, and held several meetings with agency staff about the effectiveness of NRCS watershed authorities in improving overall water quality and flood damage reduction efforts.

JURISDICTIONAL LETTERS

Bills Referred or Sequentially Referred to the Committee:

H.R. 720

To amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes.

A jurisdictional exchange of letters between Committee on Education and Labor Chairman George Miller and Committee on Transportation and Infrastructure Chairman James L. Oberstar occurred on March 5, 2007.

The exchange of letters was printed on pages 54 and 55 of House Report 110-30.

H.R. 720

To amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes.

A jurisdictional exchange of letters between Committee on Ways and Means Chairman Charles B. Rangel and Committee on Transportation and Infrastructure Chairman James L. Oberstar occurred on March 6, 2007.

The exchange of letters was printed in the Congressional Record on March 9, 2007 on Page H2361.

H.R. 802

To amend the Act to Prevent Pollution from ships to implement MARPOL Annex VI.

A jurisdictional exchange of letters between Committee on Energy and Commerce Chairman John D. Dingell and Committee on Transportation and Infrastructure Chairman James L. Oberstar occurred on March 20, 2007.

The exchange of letters was printed on pages 18 through 20 of House Report 110-54.

H.R. 1195

To amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes.

A jurisdictional exchange of letters between Committee on Science and Technology Chairman Bart Gordon and Committee on Transportation and Infrastructure Chairman James L. Oberstar occurred on March 26, 2007.

The exchange of letters was printed in the Congressional Record on March 26, 2007 on Page H3052.

H.R. 2722

To restructure the Coast Guard Integrated Deepwater Program, and for other purposes.

A jurisdictional exchange of letters between Committee on Homeland Security Chairman Bennie G. Thompson and Committee on Transportation and Infrastructure Chairman James L. Oberstar occurred on July 30, 2007.

The exchange of letters was printed on pages 22 and 23 of House Report 110-270.

H.R. 2830

To authorize appropriations for the Coast Guard for fiscal year 2008, and for other purposes.

A jurisdictional exchange of letters between Committee on Energy and Commerce Chairman John Dingell and Committee on Transportation and Infrastructure Chairman James L. Oberstar occurred on January 29, 2008.

The exchange of letters wasnot printed.

Bills Referred or Sequentially Referred to the Committee:—Continued

H.R. 2881

To amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

A jurisdictional exchange of letters between Committee on Homeland Security Chairman Bennie G. Thompson and Committee on Transportation and Infrastructure Chairman James L. Oberstar occurred on September 14, 2007.

The exchange of letters was printed on pages 109 through 111 of House Report 110-331.

H.R. 2881

To amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

A jurisdictional exchange of letters between Committee on Science and Technology Chariman Bart Gordon and Committee on Transportation and Infrastructure Chairman James L. Oberstar occurred on September 17, 2007.

The exchange of letters was printed on pages 112 and 113 of House Report 110-331.

H.R. 3121

To restore the financial solvency of the national flood insurance program and to provide for such program to make available multiperil coverage for damage resulting from windstorms and floods, and for other purposes.

A jurisdictional exchange of letters between Committee on Financial Services Chairman Barney Frank and Committee on Transportation and Infrastructure Chairman James L. Oberstar occurred on September 21, 2007.

The exchange of letters was printed on pages 33 and 34 of House Report 110-340.

H.R. 3246

To amend title 40, United States Code, to provide a comprehensive regional approach to economic and infrastructure development in the most severely economically distressed regions in the Nation.

A jurisdictional exchange of letters between Committee on Agriculture Chariman Collin C. Peterson and Committee on Transportation and Infrastructure Chairman James L. Oberstar occurred on September 17, 2007.

The exchange of letters was printed in the Congressional Record on Page H10383 on September 17, 2007.

H.R. 6052

To promote increased public transportation use, to promote increased use of alternative fuels in providing public transportation, and for other purposes.

A jurisdictional exchange of letters between Committee on Oversight and Government Reform Chairman Henry A. Waxman and Committee on Transportation and Infrastructure Chairman James L. Oberstar occurred on June 3, 2008.

The exchange of letters was printed on pages 33 and 34 of House Report 110-727, Part I.

H.R. 6370

To transfer excess Federal property administered by the Coast Guard to the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians.

A jurisdictional exchange of letters between Committee on Natural Resources Chairman Nick J. Rahall and Committee on Transportation and Infrastructure Chairman James L. Oberstar occurred on September 22, 2008.

The exchange of letters was printed on pages 6 and 7 of House Report 110-865.

H.R. 6460

To amend the Federal Water Pollution Control Act to provide for the remediation of sediment contamination in areas of concern, and for other purposes.

A jurisdictional exchange of letters between Committee on Science and Technology Chairman Bart Gordon and Committee on Transportation and Infrastructure Chairman James L. Oberstar occurred on September 24, 2008.

The exchange of letters was printed on pages 19 and 20 of House Report 110-849, Part I.

Bills Referred or Sequentially Referred to the Committee:—Continued

H.R. 6524

To authorize the Administrator of General Services to take certain actions with respect to parcels of real property located in Eastlake, Ohio, and Koochiching County, Minnesota, and for other purposes.

A jurisdictional exchange of letters between Committee on Armed Services Chairman Ike Skeltonall and Committee on Transportation and Infrastructure Chairman James L. Oberstar occurred on September 22, 2008.

The exchange of letters was printed on pages 6 and 7 of House Report 110-866, Part I.

H.R. 6999

To restructure the Coast Guard Integrated Deepwater Program, and for other purposes.

A jurisdictional exchange of letters between Committee on Homeland Security Chairman Bernie Thompson and Committee on Transportation and Infrastructure Chairman James L. Oberstar occurred on September 26, 2008.

The exchange of letters was printed on page H10151 of the Congressional Record on September 27, 2008.

Bills Not Referred to the Committee:

H.R. 1585

To authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2008, and for other purposes.

A jurisdictional exchange of letters between Committee on Armed Services Chairman Ike Skelton and Committee on Transportation and Infrastructure Chairman James L. Oberstar occurred on May 11, 2007.

The exchange of letters was printed on pages 555 and 556 of House Report 110-146, Part I.

H.R. 1684

To authorize appropriations for the Department of Homeland Security for fiscal year 2008, and for other purposes.

A jurisdictional exchange of letters between Committee on Homeland Security Chairman Bennie G. Thompson and Committee on Transportation and Infrastructure Chairman James L. Oberstar on May 3, 2007.

The exchange of letters was printed on pages 160 and 161 in House Report 110-122.

H.R. 2419

To provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

A jurisdictional exchange of letters between Committee on Agriculture Chairman Collin C. Peterson and Committee on Transportation and Infrastructure Chairman James L. Oberstar on July 27, 2007.

The letters were printed on page H8784 of the Congressional Record on July 27, 2007.

H.R. 2698

To authorize appropriations for the civil aviation research and development projects and activities of the Federal Aviation Administration, and for other purposes.

A jurisdictional exchange of letters between Committee on Science and Technology Chairman Bart Gordon and Committee on Transportation and Infrastructure Chairman James L. Oberstar on September 17, 2007.

The exchange of letters was printed on pages 151 through 153 of House Report 110-329.

H.R. 3957

To increase research, development, education, and technology transfer activities related to water use efficiency and conservation technologies and practices at the Environmental Protection Agency.

A jurisdictional exchange of letters between Committee on Science and Technology Chairman Bart Gordon and Committee on Transportation and Infrastructure Chairman James L. Oberstar on July 22, 2008.

The exchange of letters was printed on pages 59 and 60 of House Report 110-802.

Bills Not Referred to the Committee:—Continued

H.R. 4081

To prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes.

A jurisdictional exchange of letters between Committee on the Judiciary Chairman John Conyers and Committee on Transportation and Infrastructure Chairman James L. Oberstar on September 9, 2008.

The exchange of letters was printed on page H7925 of the Congressional Record on September 9, 2008.

H.R. 5511

To direct the Secretary of the Interior, acting through the Bureau of Reclamation, to remedy problems caused by a collapsed drainage tunnel in Leadville, Colorado, and for other purposes.

A jurisdictional exchange of letters between Committee on Transportation and Infrastructure Chairman James L. Oberstar and Committee on Natural Resources Chairman Nick Rahall occurred on June 12 and 16, 2008.

The exchange of letters was printed on pages 7 and 8 of House Report 110-715.

H.R. 5159

To establish the Office of the Capitol Visitor Center within the Office of the Architect of the Capitol, headed by the Chief Executive Officer for Visitor Services, to provide for the effective management and administration of the Capitol Visitor Center, and for other purposes.

A jurisdictional exchange of letters between Committee on Transportation and Infrastructure Chairman James L. Oberstar and Committee on Natural Resources Chairman Nick Rahall occurred on June 12 and 16, 2008.

The exchange of letters was printed on page H10677 on the Congressional Record on October 2, 2008.

H.R. 5658

To authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes.

A jurisdictional exchange of letters between Committee on Transportation and Infrastructure Chairman James L. Oberstar and Committee on Armed Services Committee Chairman Ike Skelton occurred on May 15 and 16, 2008.

The exchange of letters was printed on pages 586 and 587 of House Report 110-652, Part I.

PUBLICATIONS

110-1

Hearing before the Subcommittee on Water Resources and Environment on Renewed Investment for Clean Water Infrastructure.

January 19, 2007

110-2

Hearing before the Subcommittee on Economic Development, Public Buildings, and Emergency Management on The State of Economic Development.

January 23, 2007

110-3

Hearing before the Subcommittee on Highways and Transit on Surface Transportation System: Challenges for the Future.

January 24, 2007

110-4

Hearing before the Subcommittee on Coast Guard and Maritime Transportation on Coast Guard Integrated Deepwater System.

January 30, 2007

110-5

Hearing before the Subcommittee on Railroads, Pipelines, and Hazardous Materials on the Reauthorization of the Federal Rail Safety Program.

January 30 and 31, 2007

110-6

Hearing before the Full Committee on Fiscal Year 2008 President's Budget Request for the Department of Transportation and Environmental Protection Agency.

February 8, 2007

110-7

Hearing before the Subcommittee on Highways and Transit on Public-Private Partnerships: Innovative Financing and Protecting the Public Interest.

February 13, 2007

110-8

Hearing before the Subcommittee on Railroads, Pipelines, and Hazardous Materials on Fatigue in the Rail Industry.

February 13, 2007

110-9

Hearing before the Subcommittee on Water Resources and Environment on Agency Budgets and Priorities for Fiscal Year 2008.

February 14, 2007

110-10

Hearing before the Subcommittee on Aviation on President's Fiscal Year 2008 Federal Aviation Administration's Budget.

February 14, 2007

PUBLICATIONS

110-11

Hearing before the Subcommittee on Coast Guard and Maritime Transportation on Short Sea Shipping Opportunities in the United States.

February 15, 2007

110-12

Field hearing before the Subcommittee on Economic Development, Public Buildings, and Emergency Management on A Case Study in National General Service Administration's Location Policies for Federal Agencies.
Washington, District of Columbia

February 27, 2007

110-13

Joint hearing before the Subcommittees on Highways and Transit and Railroads, Pipelines, and Hazardous Materials on Transit and Rail Security.

March 7, 2007

110-14

Hearing before the Subcommittee on Water Resources and Environment on Aquatic Invasive Species on the Great Lakes.

March 7, 2007

110-15

Hearing before the Subcommittee on Coast Guard and Maritime Transportation on Coast Guard Budget and Authorization for Fiscal Year 2008.

March 8, 2007

110-16

Hearing before the Subcommittee on Highways and Transit on United States/Mexican Trucking: Safety and the Cross-Border Demonstration Project.

March 13, 2007

110-17

Hearing before the Subcommittee on Aviation on The Administration's Federal Aviation Administration Reauthorization Proposal.

March 14, 21, 22 and 28, 2007

110-18

Field hearing before the Subcommittee on Railroads, Pipelines, and Hazardous Materials on Role of Human Factors in Rail Accidents.
San Antonio, Texas

March 16, 2007

110-19

Hearing before the Subcommittee on Highways and Transit on Motorcoach Safety.

March 20, 2007

110-20

Hearing before the Subcommittee on Economic Development, Public Buildings, and Emergency Management on Post Katrina Temporary Housing: Dilemmas and Solutions.

March 20, 2007

110-21

Hearing before the Subcommittee on Coast Guard and Maritime Transportation on Crimes Against Americans on Cruise Ships.

March 27, 2007

110-22

Hearing before the Subcommittee on Highways and Transit on the Structure of the Federal Fuel Tax and the Long Term Viability of the Highway Trust Fund.

March 27, 2007

PUBLICATIONS

110-23

Hearing before the Subcommittee on Aviation on The Federal Aviation Administration's Oversight of Outsourced Air Carrier Maintenance.

March 29, 2007

110-24

Hearing before the Subcommittee on Highways and Transit on Public-Private Partnerships: Innovative Contracting.

March 27, 2007

110-25

Hearing before the Subcommittee on Water Resources and Environment on Nonpoint Source Pollution: Atmospheric Deposition and Water Quality.

April 17 and 19, 2007

110-26

Hearing before the Full Committee on Downsizing the Federal Protective Service and its Effect on the Protection of Federal Buildings.

April 18, 2007

110-27

Hearing before the Full Committee on Compliance with Requirements of the Coast Guard's Deepwater Contract.

April 18, 2007

110-28

Hearing before the Subcommittee on Railroads, Pipelines, and Hazardous Materials on International High-Speed Rail Systems.

April 19, 2007

110-29

Hearing before the Subcommittee on Aviation on Aviation Consumer Issues.

April 20, 2007

110-30

Hearing before the Subcommittee on Economic Development, Public Buildings, and Emergency Management on The Federal Emergency Management Agency's Emergency Food Supply System.

April 20, 2007

110-31

Field hearing before the Subcommittee on Coast Guard and Maritime Transportation on Safety and Security of Liquefied Natural Gas. Baltimore, Maryland

April 23, 2007

110-32

Hearing before the Subcommittee on Highways and Transit on Buy America.

April 24, 2007

110-33

Hearing before the Subcommittee on Coast Guard and Maritime Transportation on Commercial Fishing Vessel Safety.

April 25, 2007

110-34

Hearing before the Subcommittee on Aviation on Essential Air Service Program/Small Community Air Service Development Program

April 25, 2007

PUBLICATIONS

110-35

Hearing before the Subcommittee on Economic Development, Public Buildings, and Emergency Management on The Federal Emergency Management Agency's Preparedness and Response to All Hazards.

April 26, 2007

110-36

Hearing before the Subcommittee on Economic Development, Public Buildings, and Emergency Management on The Southeast Crescent Authority, the Northern Border Economic Development Commission, and the Southwest Regional Border Authority.

May 3, 2007

110-37

Field hearing before the Subcommittee on Coast Guard and Maritime Transportation on the Safety and Security of Liquefied Natural Gas. Farmingville, New York

May 7, 2007

110-38

Joint hearing before the Subcommittees on Economic Development, Public Buildings, and Emergency Management and Water Resources and Environment, on the National Levee Safety and Dam Safety Program.

May 8, 2007

110-39

Hearing before the Subcommittee on Railroads, Pipelines, and Hazardous Materials on Rail Safety Legislation.

May 8, 2007

110-40

Hearing before the Subcommittee on Aviation on Air Traffic Control Modernization.

May 9, 2007

110-41

Hearing before the Subcommittee on Highways and Transit on the Federal Transit Administration's Implementation of the New Starts and Small Starts Program.

May 9, 2007

110-42

Hearing before the Subcommittee on Economic Development, Public Buildings, and Emergency Management on The General Services Administrations Fiscal Year 2008 Capital Investment and Leasing Program.

May 10, 2007

110-43

Hearing before the Subcommittee on Economic Development, Public Buildings, and Emergency Management on Legislative Fixes for Lingering Problems that Hinder Katrina Recovery.

May 10, 2007

110-44

Hearing before the Full Committee on the Administration's Proposals on Climate Change and Energy Independence.

May 11 and 16, 2007

110-45

Hearing before the Subcommittee on Economic Development, Public Buildings, and Emergency Management on Assuring the National Guard is as Ready at Home as it is Abroad.

May 18, 2007

110-46

Hearing before the Subcommittee on Highways and Transit on Public-Private Partnerships: State and User Perspectives.

May 24, 2007

PUBLICATIONS

110-47

Hearing before the Subcommittee on Aviation on The National Transportation Safety Board's Most Wanted Aviation Safety Improvements.

June 6, 2007

110-48

Hearing before the Subcommittee on Highways and Transit on Congestion and Mobility.

June 7, 2007

110-49

Hearing before the Subcommittee on Economic Development, Public Buildings, and Emergency Management on What Visitors Can Expect at the Capitol Visitors Center: Transportation, Access, Security, and Visuals.

June 8, 2007

110-50

Hearing before the Subcommittee on Coast Guard and Maritime Transportation on Deepwater: 120 Day Update.

June 12, 2007

110-51

Hearing before the Subcommittee on Railroads, Pipelines, and Hazardous Materials on Amtrak Strategic Inititiatives.

June 12, 2007

110-52

Hearing before the Subcommittee on Economic Development, Public Buildings, and Emergency Management on Public and Private Responsibility for Maintaining Our National Treasures: The Smithsonian Institution and the John F. Kennedy Center.

June 15, 2007

110-53

Hearing before the Subcommittee on Economic Development, Public Buildings, and Emergency Management on The Responsibility of the Department of Homeland Security and the Federal Protective Service to Ensure Contract Guards Protect Federal Employees and Their Workplace.

June 21, 2007

110-54

Hearing before the Subcommittee on Railroads, Pipelines, and Hazardous Materials on the Benefits of Intercity Passenger Rail.

June 26, 2007

110-55

Hearing before the Subcommittee on Water Resources and Environment on Addressing Sewage Treatment in the San Diego Tijuana Border Region: Implementation of Title VII of Public Law 105-457 as Amended.

July 10, 2007

110-56

Hearing before the Subcommittee on Railroads, Pipelines, and Hazardous Materials on on Amtrak Capital Gains.

July 11, 2007

110-57

Hearing before the Subcommittee on Highways and Transit on the Motor Carrier Safety Administration's Oversight of High-Risk Carriers.

July 11, 2007

110-58

Hearing before the Subcommittee on Coast Guard and Maritime Transportation on Transportation Workers Identification System.

July 12, 2007

PUBLICATIONS

110-59

Hearing before the Subcommittee on Water Resources and Environment on the Reauthorization of the Beaches Environmental Assessment and Coastal Health Act.

July 12, 2007

110-60

Hearing before the Subcommittee on Aviation on the Federal Administration's Oversight of Falsified Airman Medical Certificate Applications.

July 17, 2007

110-61

Hearing before the Full Committee on the Status of the Nation's Waters, including Wetlands, Under the Jurisdiction of the Federal Water Pollution Control Act.

July 17 and 19, 2007

110-62

Hearing before the Subcommittee on Economic Development, Public Buildings, and Emergency Management on Federal Leadership by Example on Energy Conservation: No Cost Quick and Easy Steps for Immediate Results.

July 19, 2007

110-63

Hearing before the Subcommittee on Aviation on the Federal Aviation Administration's Aging Air Traffic Control Facilities: Investigating the Need to Improve Facilities and Worker Conditions.

July 24, 2007

110-64

Hearing before the Subcommittee on Coast Guard and Maritime Transportation on an Overview of the Administrative Law System.

July 31, 2007

110-65

Hearing before the Subcommittee on Coast Guard and Maritime Transportation on Challenges Facing the Coast Guard's Marine Safety Program.

July 31, 2007

110-66

Field hearing before the Subcommittee on Railroads, Pipelines, and Hazardous Materials on The Federal, State, and Local Roles in Rail Safety.
Norwalk, California

August 9, 2007

110-67

Hearing before the Full Committee on Structurally Deficient Bridges in the United States.

September 5, 2007

110-68

Hearing before the Subcommittee on Economic Development, Public Buildings, and Emergency Management on the Readiness of the Post-Katrina and Post-9/11 World: An Evaluation of the New National Response Framework.

September 11, 2007

110-69

Hearing before the Subcommittee on Coast Guard and Maritime Transportation on Cruise Ship Security Practices and Procedures.

September 19, 2007

110-70

Hearing before the Full Committee on Rail Competition and Service.

September 25, 2007

PUBLICATIONS

110-71

Hearing before the Subcommittee on Economic Development, Public Buildings, and Emergency Management on Emancipation Hall: A Tribute to the Slaves Who Helped Build the Capitol.

September 11, 2007

110-72

Hearing before the Subcommittee on Highways and Transit on The Federal Transit Administration's Proposed Rule on the New Starts and Small Starts Program.

September 26, 2007

110-73

Hearing before the Subcommittee on Aviation on Airline Delays and Consumer Issues.

September 26, 2007

110-74

Hearing before the Subcommittee on Economic Development, Public Buildings, and Emergency Management on The John F. Kennedy Center.

September 27, 2007

110-75

Hearing before the Subcommittee on Highways and Transit on The Federal Safe Routes to School Program.

October 2, 2007

110-76

Oversight Hearing before the Subcommittee on Aviation on The Transition from Federal Aviation Administration to Contractor-Operated Flight Service Stations: Lessons Learned.

October 10, 2007

110-77

Hearing before the Subcommittee on Railroads, Pipelines, and Hazardous Materials on Railroad-Owned Solid Waste Transload Facilities.

October 16, 2007

110-78

Hearing before the Subcommittee on Water Resources and Environment on The Raw Sewage Overflow Community Right-to-Know Act.

October 16, 2007

110-79

Hearing before the Subcommittee on Coast Guard and Maritime Transportation on Mariner Education and the Work Force.

October 17, 2007

110-80

Hearing before the Subcommittee on Aviation on NextGen: The Federal Aviation Administration's Automatic Dependent Surveillance-Broadcast, ADS-B, Contract.

October 17, 2007

110-81

Hearing before the Full Committee on The 35th Anniversary of the Clean Water Act: Successes and Future Challenges.

October 18, 2007

110-82

Hearing before the Subcommittee on Highways and Transit on Highway Bridge Inspection.

October 23, 2007

PUBLICATIONS

110-83

Hearing before the Subcommittee on Aviation on Aviation and the Environment: Noise.

October 24, 2007

110-84

Hearing before the Full Committee on The Impact of Railroad Injury, Accident, and Discipline Policies on the Safety of America's Railroads.

October 25, 2007

110-85

Field Hearing before Subcommittee on Highways and Transit on Chicagoland Transportation Needs for the 2016 Olympics.
Chicago, Illinois

October 29, 2007

110-86

Oversight Hearing before Subcommittee on Highways and Transit on Drug and Alcohol Testing of Commercial Motor Vehicle Drivers.

October 29, 2007

110-87

Hearing before Subcommittee on Water Resources and Environment on Twenty-First Century Water Commission Act of 2007.

November 8, 2007

110-88

Hearing before Subcommittee on Aviation on Airline and Airport Holiday Travel Preparations.

November 15, 2007

110-89

Field Hearing before Subcommittee on Coast Guard and Maritime Transportation on The San Francisco November 2007 Oil Spill - Causes and Response.
San Francisco, California

November 19, 2007

110-90

Hearing before Subcommittee on Economic Development, Public Buildings, and Emergency Management on The New Department of Homeland Security Headquarters at St. Elizabeths: Local Business Opportunities.

December 12, 2007

110-91

Hearing before the Full Committee on The National Surface Transportation Policy and Revenue Study Commission Report: Transportation for Tomorrow.

January 17, 2008

110-92

Hearing before Subcommittee on Water Resources and Environment on Progress Toward Improving Water Quality in the Great Lakes.

January 23, 2008

110-93

Hearing before Subcommittee on Coast Guard and Maritime Transportation on Transportation Workers Identification Crendentials Follow Up.

January 23, 2008

110-94

Hearing before Subcommittee on Aviation on The President's Fiscal Year 2009 Federal Aviation Administration Budget.

February 7, 2008

PUBLICATIONS

110-95

Hearing before Subcommittee on Water Resources and Environment on The President's Fiscal Year 2009 Budget Request for the Army Corps of Engineers and the Environmental Protection Agency.

February 7, 2008

110-96

Hearing before Subcommittee on Economic Development, Public Buildings, and Emergency Management on the Government Accountability Office's Review of the Federal Protective Service: Preliminary Findings.

February 8, 2008

110-97

Field hearing before the Subcommittee on Railroads, Pipelines, and Hazardous Materials on The Role of Intercity Passenger Rail During National Emergencies.
New Orleans, Louisiana

February 11, 2008

110-98

Hearing before the Full Committee on The National Surface Transportation Policy and Revenue Study Commission Report: Transportation for Tomorrow.

February 13, 2008

110-99

Hearing before the Subcommittee on Aviation on Runway Safety.

February 13, 2008

110-100

Hearing before Subcommittee on Water Resources and Environment on the Revitalization of the Environmental Protection Agency's Brownfields Program.

February 14, 2008

110-101

Compilation of Selected Aviation Laws.

February, 2008

110-102

Compilation of Selected Surface Transportation Laws.

February, 2008

110-103

Hearing before Subcommittee on Coast Guard and Maritime Transportation on Fiscal Year 2009 Budget: Coast Guard, Federal Maritime Commission and Maritime Administration.

February 26, 2008

110-104

Hearing before the Subcommittee on Railroads, Pipelines, and Hazardous Materials on Investment in the Rail Industry.

March 5, 2008

110-105

Hearing before the Subcommittee on Economic Development, Public Buildings, and Emergency Management on Doing Business with the Government: the Record and Goals for Small, Minority, and Disadvantaged Businesses.

March 6, 2008

110-106

Hearing before the Subcommittee on Water Resources and Environment on Comprehensive Watershed Management and Planning: Drought-Related Issues in the Southeastern United States.

March 11, 2008

PUBLICATIONS

110-107

Hearing before the Subcommittee on Economic Development, Public Buildings, and Emergency Management on Growing Capitol Complex and Visitor Center: Needs for Transportation, Security, Greening, Energy and Maintenance.

April 1, 2008

110-108

Hearing before the Subcommittee on Economic Development, Public Buildings, and Emergency Management on National Flood Plain Remapping: The Practical Impact.

April 2, 2008

110-109

Hearing before the Full Committee on Critical Lapses in Federal Aviation Administration Safety Oversight of Airlines: Abuses of Regulatory "Partnership Programs".

April 3, 2008

110-110

Hearing before the Subcommittee on Highways and Transit on Transportation Challenges of Metropolitan Areas.

April 9, 2008

110-111

Hearing before the Subcommittee on Aviation on Airline Delays and Consumer Issues.

April 9, 2008

110-112

Hearing before the Subcommittee on Coast Guard and Maritime Transportation on Cosco Busan and Marine Casualty Investigation.

April 10, 2008

110-113

Hearing before the Subcommittee on Economic Development, Public Buildings, and Emergency Management on The Old Post Office Building: The General Service Administration's Plans for Future Use.

April 10, 2008

110-114

Field hearing before the Subcommittee on Water Resources and Environment on Water Resources Contamination and Environmental Cleanup in the Hudson Valley.
East Fishkill, New York

April 11, 2008

110-115

Hearing before the Subcommittee on Coast Guard and Maritime Transportation on Fiscal Year 2009 Budget: Federal Maritime Commission.

April 15, 2008

110-116

Hearing before the Full Committee on The Clean Water Restoration Act of 2007.

April 16, 2008

110-117

Hearing before the Subcommittee on Economic Development, Public Buildings, and Emergency Management on First in a Series: Greening Washington and the National Capital Region.

April 17, 2008

110-118

Field hearing before the Subcommittee on Water Resources and Environment on Lake Levels in the Great Lakes.
Green Bay, Wisconsin

April 18, 2008

PUBLICATIONS

110-119

Hearing before the Subcommittee on Railroads, Pipelines, and Hazardous Materials on Rail Capacity.

April 23, 2008

110-120

Hearing before the Subcommittee on Aviation on the Reauthorization of the National Transportation Safety Board.

April 23, 2008

110-121

Hearing before the Subcommittee on Highways and Transit on Freight Movement from Origin to Destination.

April 24, 2008

110-122

Hearing before the Subcommittee on Economic Development, Public Buildings, and Emergency Management on Saving Lives and Money through the Predisaster Mitigation Program.

April 30, 2008

110-123

Hearing before the Subcommittee on Water Resources and Environment on Proposals for a Water Resources and Development Act of 2008.

April 30, 2008

110-124

Hearing before the Subcommittee on Highways and Transit on Rising Diesel Fuel Coasts in the Trucking Industry.

May 6, 2008

110-125

Hearing before the Subcommittee on Aviation on Aviation and the Environment: Emissions.

May 6, 2008

110-126

Joint Full Committee hearing with the Committee on Budget on Financing Infrastructure Investment and follow-up Full Committee hearing on same subject.

May 8, 2008 and June 10, 2008

110-127

Field hearing before the Subcommittee on Water Resources and Environment on The Impacts of Nutrients on Water Quality in the Great Lakes.
Port Huron, Michigan

May 12, 2008

110-128

Hearing before the Subcommittee on Railroads, Pipelines, and Hazardous Materials on Amtrak Reauthorization.

May 14, 2008

110-129

Hearing before the Subcommittee on Aviation on the Impact of Consolidation on the Aviation Industry, With a Focus on the Proposed Merger Between Delta Air and Northwest Airlines.

May 14, 2008

110-130

Hearing before the Subcommittee on Coast Guard and Maritime Transportation on the Coast Guard and National Transportation Safety Board Casualty Investigation Program.

May 20, 2008

PUBLICATIONS

110-131

Hearing before the Subcommittee on Water Resources and Environment on The Reauthorization of the Great Lakes Legacy Act.

May 21, 2008

110-132

Hearing before the Subcommittee on Economic Development, Public Buildings, and Emergency Management on Assuring Public Alert Systems Work to Warn American Citizens of Natural and Terrorist Disasters.

June 4, 2008

110-133

Hearing before the Subcommittee on Highways and Transit on Maintaining our Nation's Highway and Transit Infrastructure.

June 5, 2008

110-134

Hearing before the Subcommittee on Railroads, Pipelines, and Hazardous Materials on Historic Preservation of Railroad Property and Facilities.

June 5, 2008

110-135

Hearing before the Subcommittee on Economic Development, Public Buildings, and Emergency Management on Making the General Services Administration Lease and Construction Process Efficient, Transparent, and User-Friendly.

June 6, 2008

110-136

Hearing before the Full Committee on Financing Infrastructure Investments.

June 10, 2008

110-137

Hearing before the Subcommittee on Coast Guard and Maritime Transportation on Rebuilding Vessels Under the Jones Act.

June 11, 2008

110-138

Hearing before the Subcommittee on Aviation on Air Traffic Control Facility Staffing.

June 11, 2008

110-139

Hearing before the Subcommittee on Water Resources and Environment on Discharges Incidental to the Normal Operation of a Commercial Vessel.

June 12, 2008

110-140

Side-by-Side Print of H.R. 6003 and S. 294, Passenger Rail Investment and Improvement Act of 2007/2008.

June 27, 2008

110-141

Hearing before the Subcommittee on Aviation on Congestion Management in the New York Airspace.

June 18, 2008

110-142

Hearing before the Subcommittee on Economic Development, Public Buildings, and Emergency Management on The Federal Protective Service: An Agency in Need of Rebuilding.

June 18, 2008

PUBLICATIONS

110-143

Hearing before the Subcommittee on Economic Development, Public Buildings, and Emergency Management on Mississippi Forward: Ongoing Progress and Remaining Problems.

June 19, 2008

110-144

Hearing before the Subcommittee on Coast Guard and Maritime Transportation on Federal Maritime Commission Management and Regulation of International Shipping.

June 11, 2008

110-145

Hearing before the Subcommittee on Highways and Transit on Connecting Communities: The Role of the Surface Transportation Network in Moving People and Freight.

June 24, 2008

110-146

Hearing before the Subcommittee on Water Resources and Environment on Comprehensive Watershed Management and Planning.

June 24, 2008

110-147

Hearing before the Subcommittee on Railroads, Pipelines, and Hazardous Materials on the Implementation of the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006.

June 25, 2008

110-148

Hearing before the Subcommittee on Water Resources and Environment on Protecting and Restoring America's Great Waters Part I: Coasts and Estuaries.

June 26, 2008

110-149

Compilation of Water Pollution, Environmental Protection, and Related Laws. (Volume I)

July, 2008

110-150

Compilation of Water Pollution, Environmental Protection, and Related Laws. (Volume 2)

July, 2008

110-151

Hearing before the Subcommittee on Highways and Transit on Truck Weights and Lengths: Assessing the Impacts of Existing Laws and Regulations.

July 9, 2008

110-152

Hearing before the Subcommittee on Economic Development, Public Buildings, and Emergency Management on General Services Administration Capital Investment Program: Fiscal Year 2009.

July 11, 2008

110-153

Hearing before the Subcommittee on Highways and Transit on Improving Roadway Safety: Assessing the Effectiveness of the National Highway Traffic Safety Administration's Highway Traffic Safety Programs.

July 16, 2008

110-154

Hearing before the Subcommittee on Coast Guard and Maritime Transportation on Coast Guard Icebreaking.

July 16, 2008

PUBLICATIONS

110-155

Hearing before the Subcommittee on Economic Development, Public Buildings, and Emergency Management on Union Station: A Comprehensive Hearing on the Private Management, the Public Space, and the Intermodal Uses Present and Future.

July 22, 2008

110-156

Hearing before the Subcommittee on Aviation on Aviation Security: An Update.

July 24, 2008

110-157

Hearing before the Full Committee on The Federal Motor Carrier Safety Administration's Progress in Improving Medical Oversight of Commercial Drivers.

July 24, 2008

110-158

Hearing before the Subcommittee on Economic Development, Public Buildings, and Emergency Management on Credit Crunch: Effects on Federal Leasing and Construction

July 30, 2008

110-159

Hearing before the Subcommittee on Water Resources and Environment on Protecting and Restoring America's Great Waters, Part II: The Chesapeake Bay.

July 30, 2008

110-160

Field hearing the before Subcommittee on Coast Guard and Maritime Transportation on Port Development and the Environment at the Ports of Los Angeles and Long Beach.
Long Beach, California

August 4, 2008

110-161

Volume 1: Compilation of Railroad Laws Relating to Railroad Regulation.

August, 2008

110-162

Volume 2: Compilation of Railroad Laws Relating to Railroad Retirement, Unemployment, and Labor

August 2008

110-163

Volume 3: Compilation of Laws Relating to Pipelines and Hazardous Materials

August, 2008

110-164

Hearing before the Full Committee on H.R. 6707, the taking Responsible Action for Community Safety Act.

September 9, 2008

110-165

Hearing before the Subcommittee on Coast Guard and Maritime Transportation on Diversity in the Coast Guard Including Recruitment, Promotion, and Retention of Minority Personnel.

August 4, 2008

110-166

Hearing before the Subcommittee on Economic Development, Public Buildings, and Emergency Management on Role of the Federal Government in Small Business Disaster Recovery.

September 12, 2008

PUBLICATIONS

110-167

Hearing before the Subcommittee on Coast Guard and Maritime Transportation on Oil Spill in New Orleans in July 2008 and the Safety on the Inland River System.

September 16, 2008

110-168

Hearing before the Full Committee on The Effects of the Proposed Arrangement Between DHL and UPS on Competition, Customer Service and Employment.

September 16, 2008

110-169

Hearing the before Subcommittee on Aviation on The Effects of the Proposed Arrangement Between DHL and UPS on Competition, Customer Service and Employment.

September 17, 2008

110-170

Hearing before the Subcommittee on Highways and Transit on Transportation Planning.

September 18, 2008

110-171

Hearing before the Subcommittee on Water Resources and Environment on Emerging Contaminants in U.S. Waters.

September 18, 2008

110-172

Hearing before the Subcommittee on Economic Development, Public Buildings, and Emergency Management on Federal Emergency Management Agency's Response to the 2008 Hurricane Season and the National Housing Strategy.

September 23, 2008

110-173

Hearing before the Full Committee on National Mediation Board Oversight of Elections for Union Representation.

September 24, 2008

110-174

Hearing before the Subcommittee on Aviation on Runway Safety: an Update.

September 25, 2008

110-175

Hearing before the Full Committee on Safe, Accountable, Flexible, Efficient Transportation Equity Act: a Legacy for Users - Technical Corrections Act of 2008.

October 8, 2008

110-176

Hearing before the Full Committee on Investing in Infrastructure: The Road to Recovery.

October 29, 2008