SUMMARY
OF
LEGISLATIVE AND OVERSIGHT ACTIVITIES

ONE HUNDRED ELEVENTH CONGRESS

FIRST SESSION
CONVENED JANUARY 6, 2009
ADJOURNED DECEMBER 23, 2009

SECOND SESSION
CONVENED JANUARY 5, 2010
ADJOURNED DECEMBER 22, 2010

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

U.S. HOUSE OF REPRESENTATIVES

JANUARY 3, 2011.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed
SUMMARY OF LEGISLATIVE AND OVERSIGHT ACTIVITIES—
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
SUMMARY

OF

LEGISLATIVE AND OVERSIGHT ACTIVITIES

ONE HUNDRED ELEVENTH CONGRESS

FIRST SESSION
Convened January 6, 2009
Adjourned December 23, 2009

SECOND SESSION
Convened January 5, 2010
Adjourned December 22, 2010

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

U.S. HOUSE OF REPRESENTATIVES

January 3, 2011.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

JAMES L. OBERSTAR, Minnesota, Chairman

NICK J. RAHALL, II, West Virginia, Vice Chair

PETER A. DeFazio, Oregon

JERRY F. COSTELLO, Illinois

ELEANOR HOLMES NORTON, District of Columbia

JERROLD NADLER, New York

CORRINE BROWN, Florida

EDDIE BERNICE JOHNSON, Texas

GENE TAYLOR, Mississippi

ELIJAH E. CUMMINGS, Maryland

LEONARD L. BOSWELL, Iowa

TIM HOLDEN, Pennsylvania

BRIAN BAIRD, Washington

RICK LARSEN, Washington

MICHAEL E. CAPUANO, Massachusetts

TIMOTHY H. BISHOP, New York

MICHAEL H. MICHAUD, Maine

RUSS CARNAHAN, Missouri

GRACE F. NAPOLITANO, California

DANIEL LIPINSKI, Illinois

MAZIE K. HIRONO, Hawaii

JASON ALTMIRE, Pennsylvania

HEATH SHULER, North Carolina

MICHAEL A. ARCURI, New York

HARRY E. MITCHELL, Arizona

CHRISTOPHER P. CARNEY, Pennsylvania

JOHN J. HALL, New York

STEVE KAGEN, Wisconsin

STEVE COHEN, Tennessee

LAURA A. RICHARDSON, California

ALBIO SIRES, New Jersey

DONNA F. EDWARDS, Maryland

SOLOMON P. ORTIZ, Texas

PHIL HARÉ, Illinois

JOHN A. BOCCIERI, Ohio

MARK H. SCHAUER, Michigan

BETSY MARKEY, Colorado

MICHAEL E. McMAHON, New York

THOMAS S.P. PERRIELLO, Virginia

DINA TITUS, Nevada

HARRY TEAGUE, New Mexico

JOHN GARAMENDI, California

HANK JOHNSON, Georgia

JOHN L. MICA, Florida

DON YOUNG, Alaska

THOMAS E. PETRI, Wisconsin

HOWARD COBLE, North Carolina

JOHN J. DUNCAN, Jr., Tennessee

VERNON J. EHLERS, Michigan

FRANK A. LoBIONDO, New Jersey

JERRY MORAN, Kansas

GARY G. MILLER, California

HENRY E. BROWN, Jr., South Carolina

TIMOTHY V. JOHNSON, Illinois

TODD RUSSELL PLATTS, Pennsylvania

SAM GRAVES, Missouri

BILL SHUSTER, Pennsylvania

JOHN BOOZMAN, Arkansas

SHELLEY MOORE CAPITO, West Virginia

JIM GERLACH, Pennsylvania

MARIO DIAZ-BALART, Florida

CHARLES W. DENT, Pennsylvania

CONNIE MACK, Florida

LYNN A. WESTMORELAND, Georgia

JEAN SCHMIDT, Ohio

CANDICE S. MILLER, Michigan

MARY FALLIN, Oklahoma

VERN BUCHANAN, Florida

BRETT GUTHRIE, Kentucky

ANH “JOSEPH” CAO, Louisiana

AARON SCHOCK, Illinois

PETE OLSON, Texas

TOM GRAVES, Georgia
SUBCOMMITTEE ON RAILROADS, PIPELINES, AND HAZARDOUS MATERIALS

CORRINE BROWN, Florida Chairwoman

DINA TITUS, Nevada
HARRY TEAGUE, New Mexico
NICK J. RAHALL II, West Virginia
JERROLD NADLER, New York
ELLIJAH E. CUMMINGS, Maryland
GRACE F. NAPOLITANO, California
JASON ALTMIRE, Pennsylvania
TIMOTHY J. WALZ, Minnesota, Vice Chair
MICHAEL A. ARCURI, New York
CHRISTOPHER P. CARNEY, Pennsylvania
ALBIO SIRES, New Jersey
MARK H. SCHAUER, Michigan
BETSY MARKEY, Colorado
MICHAEL E. McMAHON, New York
THOMAS S. P. PERRIELLO, Virginia
PETER A. DeFAZIO, Oregon
JERRY F. COSTELLO, Illinois
BOB FILNER, California
EDDIE BERNICE JOHNSON, Texas
LEONARD L. BOSWELL, Iowa
RICK LARSEN, Washington
MICHAEL H. MICAUD, Maine
DANIEL LIPINSKI, Illinois
STEVE COHEN, Tennessee
LAURA A. RICHARDSON, California
JAMES L. OBERSTAR, Minnesota (ex officio)
## CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Letter of Submittal</td>
<td>IX</td>
</tr>
<tr>
<td>Jurisdiction of the House Committee on Transportation and Infrastructure</td>
<td>1</td>
</tr>
<tr>
<td>Foreword</td>
<td>3</td>
</tr>
<tr>
<td>Bills enacted into Law</td>
<td>6</td>
</tr>
<tr>
<td>Committee Bills and Resolutions that passed the House but not acted on by the Senate</td>
<td>11</td>
</tr>
<tr>
<td>Concurrent Resolutions approved by both Chambers</td>
<td>10</td>
</tr>
<tr>
<td>Committee Views and Estimates Report</td>
<td>15</td>
</tr>
<tr>
<td>Bills enacted into Law (summaries of public laws)</td>
<td>16</td>
</tr>
<tr>
<td>Summary of activities:</td>
<td></td>
</tr>
<tr>
<td>Full Committee</td>
<td>66</td>
</tr>
<tr>
<td>Subcommittee on Aviation</td>
<td>97</td>
</tr>
<tr>
<td>Subcommittee on Coast Guard and Maritime Transportation</td>
<td>126</td>
</tr>
<tr>
<td>Subcommittee on Economic Development, Public Buildings, and Emergency Management</td>
<td>145</td>
</tr>
<tr>
<td>Subcommittee on Highways and Transit</td>
<td>237</td>
</tr>
<tr>
<td>Subcommittee on Railroads, Pipelines, and Hazardous Materials</td>
<td>257</td>
</tr>
<tr>
<td>Subcommittee on Water Resources and Environment</td>
<td>272</td>
</tr>
<tr>
<td>Summary of Oversight and Investigations Activities</td>
<td>294</td>
</tr>
<tr>
<td>Jurisdictional Exchange of Letters</td>
<td>307</td>
</tr>
<tr>
<td>Publications</td>
<td>313</td>
</tr>
</tbody>
</table>
LETTER OF SUBMITTAL

HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

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 111th 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.
SUMMARY OF LEGISLATIVE AND OVERSIGHT ACTIVITIES—COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

JANUARY 3, 2011.—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.
“(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 and 111th Congresses, the Committee on Transportation and Infrastructure developed a legislative agenda focused on three primary objectives:

- investing in our nation’s infrastructure to restore our economy, relieve congestion, ensure U.S. competitiveness, and improve the daily lives of our citizens;
- ensuring the safety and security of our nation’s transportation systems and other critical infrastructure; and
- addressing global climate change and renewing our commitment to clean water, energy independence, and environmental stewardship.

Over the past two Congresses, the Committee made extraordinary progress toward achieving these objectives by enacting landmark legislation to: restore the nation’s economy in the wake of the greatest recession since the Great Depression; strengthen pilot qualifications and improve airline safety; ensure the safety of freight and passenger railroads; invest in developing high-speed rail throughout the nation; promote energy efficient transportation and public buildings and create incentives for the use of alternative fuel vehicles and renewable energy; authorize water resource investments in the Water Resources Development Act of 2007 by overriding the President’s veto for only the 107th time in our nation’s history; and authorize maritime safety and acquisition reforms for the U.S. Coast Guard.

In total, over the past four years, the Committee considered and enacted more bills and resolutions (186 bills and resolutions) than at any point in the storied history of the Committee or its predecessor committees.

In the 111th Congress, the Committee on Transportation and Infrastructure, in coordination with the Committee on Appropriations, developed the American Recovery and Reinvestment Act of 2009 (Recovery Act) (P.L. 111–5) to address the greatest economic recession since the Great Depression. The Recovery Act provided $64.1 billion of infrastructure investment for programs within the jurisdiction of the Committee on Transportation and Infrastructure, including: $27.5 billion for highways and bridges; $8.4 billion for public transit; $9.3 billion for passenger rail; $1.5 billion for competitive surface transportation grants; $1.3 billion for aviation; $5.26 billion for environmental infrastructure; $4.6 billion for the U.S. Army Corps of Engineers; $5.575 billion for Federal buildings; $150 million for the Economic Development Administration; $210 million for Firefighter Assistance Grants; $240 million for Coast Guard facilities and bridge alterations; and $100 million for Maritime Administration Small Shipyard Grants. The Recovery Act generally required these funds to be invested in ready-to-go projects
and required unprecedented transparency and accountability provisions.

The Committee developed major legislation, H.R. 3371, the “Airline Safety and Pilot Training Improvement Act of 2009”, to strengthen pilot qualifications and improve airline safety. The provisions of this bill were included in Public Law 111–216, the Airline Safety and Federal Aviation Administration Extension Act of 2010. The Committee also developed major legislation, H.R. 915, the “FAA Reauthorization Act of 2009”, to reauthorize the Federal Aviation Administration (FAA) and provide $53.5 billion over three years for FAA programs. On May 21, 2009, the House passed H.R. 915.

In addition, the Committee developed major legislation, H.R. 3534, the “Surface Transportation Authorization Act of 2009”, to reauthorize Federal surface transportation programs and provide $450 billion over six years for surface transportation programs and $50 billion for development of high-speed rail. On June 24, 2009, the Subcommittee reported the bill favorably to the Committee by voice vote. No further action was taken on this legislation.

The Committee also developed legislation, contained in Title VII of H.R. 3534, the “Oil Spill Accountability and Environmental Protection Act of 2010”, to make several critical reforms to the Clean Water Act and the Oil Pollution Act of 1990 in response to the Deepwater Horizon oil spill disaster. First, this legislation increases the limitations of liability for offshore facilities, such as the Deepwater Horizon, and vessels as well as the level of financial responsibility or insurance coverage (through a certificate of financial responsibility or COFR) to more appropriately address the potential impacts of a release of oil or hazardous substances. Second, Title VII requires the owners or operators of facilities and vessels to have adequate oil spill response plans, and requires additional transparency, inspection, and enforcement of such response plans to limit the potential impacts of a release. Finally, the legislation also amends the process for review and approval of oil spill dispersants, chemicals, or other spill mitigating devices to require additional transparency and testing on the toxicity, effectiveness, and potential human health or environmental impacts of such products before they can be listed for use in response to an oil spill. On July 30, 2010, the House passed H.R. 3534.

Finally, the Committee on Transportation and Infrastructure developed major legislation, Public Law 111–281, the Coast Guard Authorization Act of 2010, to reauthorize the Coast Guard and make significant improvements to maritime safety and Coast Guard operations and acquisitions processes. The legislation was the first Coast Guard authorization bill to become law since 2006.

In addition to these 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 safety lapses and identified significant cost savings.

During the 110th and 111th Congresses, the Committee held more hearings and received testimony from more witnesses than at any point in the history of the Committee. Over the past four
years, the Committee held 316 hearings, receiving testimony from 2,201 witnesses over approximately 1,028 hours.

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 Chairs and Ranking Members of each of the Subcommittees. The Subcommittee Chairs 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 for the 111th Congress. This Summary highlights accomplishments that will improve the safety, security, and efficiency of our nation’s transportation and infrastructure for years to come.

JAMES L. OBERSTAR, Chairman,
Committee on Transportation and Infrastructure.
<table>
<thead>
<tr>
<th>Public Law No.</th>
<th>Date enacted</th>
<th>Bill No.</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>P.L. 111–5</td>
<td>February 17, 2009</td>
<td>H.R. 1</td>
<td>Making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for the fiscal year ending September 30, 2009, and for other purposes.</td>
</tr>
<tr>
<td>P.L. 111–12</td>
<td>March 30, 2009</td>
<td>H.R. 1512</td>
<td>To amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.</td>
</tr>
<tr>
<td>P.L. 111–14</td>
<td>April 23, 2009</td>
<td>S. 520</td>
<td>A bill to designate the United States courthouse under construction at 327 South Church Street, Rockford, Illinois, as the “Stanley J. Roszkowski United States Courthouse”.</td>
</tr>
<tr>
<td>P.L. 111–34</td>
<td>June 30, 2009</td>
<td>H.R. 813</td>
<td>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”.</td>
</tr>
<tr>
<td>P.L. 111–69</td>
<td>October 1, 2009</td>
<td>H.R. 3607</td>
<td>To amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.</td>
</tr>
<tr>
<td>P.L. 111–74</td>
<td>October 19, 2009</td>
<td>H.R. 1687</td>
<td>To designate the federally occupied building located at McKinley Avenue and Third Street, SW., Canton, Ohio, as the “Ralph Regula Federal Building and United States Courthouse”.</td>
</tr>
<tr>
<td>P.L. 111–75</td>
<td>October 19, 2009</td>
<td>H.R. 2053</td>
<td>To designate the United States courthouse located at 525 Magoffin Avenue in El Paso, Texas, as the “Albert Armendariz, Sr., United States Courthouse”.</td>
</tr>
<tr>
<td>P.L. 111–76</td>
<td>October 19, 2009</td>
<td>H.R. 2121</td>
<td>To authorize the Administrator of General Services to convey a parcel of real property in Galveston, Texas, to the Galveston Historical Foundation.</td>
</tr>
<tr>
<td>Public Law No.</td>
<td>Date enacted</td>
<td>Bill No.</td>
<td>Title</td>
</tr>
<tr>
<td>---------------</td>
<td>--------------</td>
<td>----------</td>
<td>-------</td>
</tr>
<tr>
<td>P.L. 111–78</td>
<td>October 19, 2009</td>
<td>H.R. 2913</td>
<td>To designate the United States courthouse located at 301 Simonton Street in Key West, Florida, as the “Sidney M. Aronovitz United States Courthouse”.</td>
</tr>
<tr>
<td>P.L. 111–116</td>
<td>December 16, 2009</td>
<td>H.R. 4217</td>
<td>To amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.</td>
</tr>
<tr>
<td>P.L. 111–120</td>
<td>December 22, 2009</td>
<td>H.R. 4165</td>
<td>To extend through December 31, 2010, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits.</td>
</tr>
<tr>
<td>P.L. 111–144</td>
<td>March 2, 2010</td>
<td>H.R. 4691</td>
<td>To provide a temporary extension of certain programs, and for other purposes.</td>
</tr>
<tr>
<td>P.L. 111–153</td>
<td>March 31, 2010</td>
<td>H.R. 4957</td>
<td>To amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.</td>
</tr>
<tr>
<td>P.L. 111–157</td>
<td>April 15, 2010</td>
<td>H.R. 4851</td>
<td>To provide a temporary extension of certain programs, and for other purposes.</td>
</tr>
<tr>
<td>P.L. 111–161</td>
<td>April 30, 2010</td>
<td>H.R. 5147</td>
<td>To amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.</td>
</tr>
<tr>
<td>P.L. 111–176</td>
<td>June 8, 2010</td>
<td>H.R. 5128</td>
<td>To designate the United States Department of the Interior Building in Washington, District of Columbia, as the “Stewart Lee Udall Department of the Interior Building”.</td>
</tr>
<tr>
<td>P.L. 111–191</td>
<td>June 15, 2010</td>
<td>S. 3473</td>
<td>A bill to amend the Oil Pollution Act of 1990 to authorize advances from Oil Spill Liability Trust Fund for the Deepwater Horizon oil spill.</td>
</tr>
<tr>
<td>P.L. 111–197</td>
<td>July 2, 2010</td>
<td>H.R. 5611</td>
<td>To amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.</td>
</tr>
<tr>
<td>P.L. 111–207</td>
<td>July 27, 2009</td>
<td>H.R. 3380</td>
<td>To amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, and for other purposes.</td>
</tr>
<tr>
<td>P.L. 111–215</td>
<td>July 30, 2010</td>
<td>S. 3372</td>
<td>A bill to modify the date on which the Administrator of the Environmental Protection Agency and applicable States may require permits for discharges from certain vessels.</td>
</tr>
<tr>
<td>Public Law No.</td>
<td>Date enacted</td>
<td>Bill No.</td>
<td>Title</td>
</tr>
<tr>
<td>---------------</td>
<td>--------------</td>
<td>----------</td>
<td>-------</td>
</tr>
<tr>
<td>P.L. 111–216</td>
<td>August 1, 2010</td>
<td>H.R. 5900</td>
<td>To amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend airport improvement program project grant authority and to improve airline safety, and for other purposes.</td>
</tr>
<tr>
<td>P.L. 111–234</td>
<td>August 16, 2010</td>
<td>H.R. 4275</td>
<td>To designate the annex building under construction for the Elbert P. Tuttle United States Court of Appeals Building in Atlanta, Georgia, as the “John C. Godbold Federal Building”.</td>
</tr>
<tr>
<td>P.L. 111–249</td>
<td>September 30, 2010</td>
<td>H.R. 6190</td>
<td>To amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.</td>
</tr>
<tr>
<td>P.L. 111–281</td>
<td>October 15, 2010</td>
<td>H.R. 3619</td>
<td>To authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes.</td>
</tr>
<tr>
<td>P.L. 111–297</td>
<td>December 14, 2010</td>
<td>H.R. 4387</td>
<td>To designate the Federal building located at 100 North Palafox Street in Pensacola, Florida, as the “Winston E. Arnow Federal Building”.</td>
</tr>
<tr>
<td>P.L. 111–298</td>
<td>December 14, 2010</td>
<td>H.R. 5651</td>
<td>To designate the Federal building and United States courthouse located at 515 9th Street in Rapid City, South Dakota, as the “Andrew W. Bogue Federal Building and United States Courthouse”.</td>
</tr>
<tr>
<td>P.L. 111–301</td>
<td>December 14, 2010</td>
<td>H.R. 5773</td>
<td>To designate the Federal building located at 6401 Security Boulevard in Baltimore, Maryland, commonly known as the Social Security Administration Operations Building, as the “Robert M. Ball Federal Building”.</td>
</tr>
<tr>
<td>P.L. 111–308</td>
<td>December 14, 2010</td>
<td>S. 3250</td>
<td>To provide for the training of Federal building personnel, and for other purposes.</td>
</tr>
<tr>
<td>P.L. 111–315</td>
<td>December 18, 2010</td>
<td>H.R. 6184</td>
<td>To amend the Water Resources Development Act of 2000 to extend and modify the program allowing the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the evaluation of permits, and for other purposes.</td>
</tr>
<tr>
<td>P.L. 111–326</td>
<td>December 22, 2010</td>
<td>H.R. 5591</td>
<td>To designate the airport traffic control tower located at Spokane International Airport in Spokane, Washington, as the “Ray Daves Airport Traffic Control Tower”.</td>
</tr>
</tbody>
</table>
### Bills Enacted into Law—Continued

<table>
<thead>
<tr>
<th>Public Law No.</th>
<th>Date enacted</th>
<th>Bill No.</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>P.L. 111–329</td>
<td>December 22, 2010</td>
<td>H.R. 6473</td>
<td>To amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.</td>
</tr>
<tr>
<td>P.L. 111–</td>
<td>Presented to the President on December 28, 2010.</td>
<td>S. 841</td>
<td>To direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation.</td>
</tr>
<tr>
<td>P.L. 111–</td>
<td>Presented to the President on December 28, 2010.</td>
<td>H.R. 6510</td>
<td>To direct the Administrator of General Services to convey a parcel of real property in Houston, Texas, to the Military Museum of Texas, and for other purposes.</td>
</tr>
<tr>
<td>P.L. 111–</td>
<td>Presented to the President on December 28, 2010.</td>
<td>H.R. 1746</td>
<td>To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the pre-disaster mitigation program of the Federal Emergency Management Agency.</td>
</tr>
<tr>
<td>P.L. 111–</td>
<td>Presented to the President on December 28, 2010.</td>
<td>S. 3481</td>
<td>A bill to amend the Federal Water Pollution Control Act to clarify Federal responsibility for stormwater pollution.</td>
</tr>
</tbody>
</table>
## CONCURRENT RESOLUTIONS APPROVED BY BOTH CHAMBERS

<table>
<thead>
<tr>
<th>Resolution No.</th>
<th>Title</th>
<th>House Passage</th>
<th>Senate Passage</th>
</tr>
</thead>
<tbody>
<tr>
<td>H. Con. Res. 38</td>
<td>Authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service</td>
<td>March 11, 2009</td>
<td>May 12, 2009</td>
</tr>
<tr>
<td>H. Con. Res. 171</td>
<td>Authorizing the use of the Capitol Grounds for an event to honor military personnel who have died in service to the United States and to acknowledge the sacrifice of the families of those individuals as part of the National Weekend of Remembrance.</td>
<td>July 31, 2009</td>
<td>August 5, 2009</td>
</tr>
<tr>
<td>H. Con. Res. 264</td>
<td>Authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service</td>
<td>April 28, 2010</td>
<td>April 29, 2010</td>
</tr>
<tr>
<td>H. Con. Res. 289</td>
<td>Directing the Clerk of the House of Representatives to make a technical correction in the enrollment of H.R. 3360</td>
<td>June 30, 2010</td>
<td>July 12, 2010</td>
</tr>
<tr>
<td>S. Con. Res. 61</td>
<td>A concurrent resolution expressing the sense of the Congress that general aviation pilots and industry should be recognized for the contributions made in response to Haiti earthquake relief efforts.</td>
<td>May 12, 2010</td>
<td>April 29, 2010</td>
</tr>
<tr>
<td>Bill No.</td>
<td>Title</td>
<td>Date of House Passage</td>
<td></td>
</tr>
<tr>
<td>---------</td>
<td>-------</td>
<td>-----------------------</td>
<td></td>
</tr>
<tr>
<td>H.R. 842</td>
<td>To designate the United States Courthouse to be constructed in Jackson, Mississippi, as the “R. Jess Brown United States Courthouse”.</td>
<td>March 10, 2009</td>
<td></td>
</tr>
<tr>
<td>H.R. 869</td>
<td>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”.</td>
<td>March 10, 2009</td>
<td></td>
</tr>
<tr>
<td>H.R. 887</td>
<td>To designate the United States courthouse located at 131 East 4th Street in Davenport, Iowa, as the “James A. Leach United States Courthouse”.</td>
<td>March 10, 2009</td>
<td></td>
</tr>
<tr>
<td>H.R. 915</td>
<td>To amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2010 through 2012, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.</td>
<td>May 21, 2009</td>
<td></td>
</tr>
<tr>
<td>H.R. 1053</td>
<td>To require the Office of Management and Budget to prepare a crosscut budget for restoration activities in the Chesapeake Bay watershed, to require the Environmental Protection Agency to develop and implement an adaptive management plan, and for other purposes.</td>
<td>September 30, 2009</td>
<td></td>
</tr>
<tr>
<td>H.R. 1178</td>
<td>To direct the Comptroller General of the United States to conduct a study on the use of Civil Air Patrol personnel and resources to support homeland security missions, and for other purposes.</td>
<td>May 12, 2009</td>
<td></td>
</tr>
<tr>
<td>H.R. 1262</td>
<td>To amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes.</td>
<td>March 12, 2009</td>
<td></td>
</tr>
<tr>
<td>H.R. 1665</td>
<td>To structure Coast Guard acquisition processes and policies, and for other purposes.</td>
<td>July 29, 2009</td>
<td></td>
</tr>
<tr>
<td>H.R. 1700</td>
<td>To authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia to provide for the establishment of a National Women’s History Museum.</td>
<td>October 14, 2009</td>
<td></td>
</tr>
<tr>
<td>H.R. 1747</td>
<td>To authorize appropriations for the design, acquisition, and construction of a combined buoy tender-icebreaker to replace icebreaking capacity on the Great Lakes.</td>
<td>April 27, 2009</td>
<td></td>
</tr>
<tr>
<td>H.R. 1854</td>
<td>To amend the Water Resources Development Act of 1992 to modify an environmental infrastructure project for Big Bear Lake, California.</td>
<td>December 8, 2009</td>
<td></td>
</tr>
<tr>
<td>H.R. 2093</td>
<td>To amend the Federal Water Pollution Control Act relating to beach monitoring, and for other purposes.</td>
<td>July 29, 2009</td>
<td></td>
</tr>
<tr>
<td>H.R. 2423</td>
<td>A bill to designate the Federal building and United States courthouse located at 1300 Victoria Street in Laredo, Texas, as the “George P. Kazen Federal Building and United States Courthouse”.</td>
<td>October 15, 2009</td>
<td></td>
</tr>
<tr>
<td>H.R. 2454</td>
<td>To create clean energy jobs, achieve energy independence, reduce global warming pollution and transition to a clean energy economy.</td>
<td>June 26, 2009</td>
<td></td>
</tr>
<tr>
<td>H.R. 2651</td>
<td>To amend title 46, United States Code, to direct the Secretary of Transportation to establish a maritime career training loan program, and for other purposes.</td>
<td>October 14, 2009</td>
<td></td>
</tr>
<tr>
<td>Bill No.</td>
<td>Title</td>
<td>Date of House Passage</td>
<td></td>
</tr>
<tr>
<td>---------</td>
<td>----------------------------------------------------------------------</td>
<td>-----------------------</td>
<td></td>
</tr>
<tr>
<td>H.R. 2843</td>
<td>To provide for the joint appointment of the Architect of the Capitol by the Speaker of the House of Representatives, the President pro tempore of the Senate, the majority and minority leaders of the House of Representatives and Senate, the chair and ranking minority member of the Committee on House Administration of the House of Representatives, the chair and ranking minority member of the Committee on Transportation and Infrastructure of the House of Representatives, the chair and ranking minority member of the Committee on Rules and Administration of the Senate, the chairs and ranking minority members of the Committees on Appropriations of the House of Representatives and Senate, and two other designated members of the Senate, and for other purposes.</td>
<td>February 3, 2010</td>
<td></td>
</tr>
<tr>
<td>H.R. 3193</td>
<td>To designate the United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the “Alto Lee Adams, Sr., United States Courthouse”.</td>
<td>September 9, 2009</td>
<td></td>
</tr>
<tr>
<td>H.R. 3224</td>
<td>To authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct a vehicle maintenance building at the vehicle maintenance branch of the Smithsonian Institution located in Suitland, Maryland, and for other purposes.</td>
<td>December 8, 2009</td>
<td></td>
</tr>
<tr>
<td>H.R. 3305</td>
<td>To designate the Federal building and United States courthouse located at 224 South Boulder Avenue in Tulsa, Oklahoma, as the “H. Dale Cook Federal Building and United States Courthouse”.</td>
<td>November 17, 2009</td>
<td></td>
</tr>
<tr>
<td>H.R. 3371</td>
<td>To amend title 49, United States Code, to improve airline safety and pilot training, and for other purposes.</td>
<td>October 14, 2009</td>
<td></td>
</tr>
<tr>
<td>H.R. 3427</td>
<td>To amend title 23, United States Code, to protect States that have in effect laws or orders with respect to pay to play reform, and for other purposes.</td>
<td>September 28, 2010</td>
<td></td>
</tr>
<tr>
<td>H.R. 3617</td>
<td>To provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs.</td>
<td>September 23, 2009</td>
<td></td>
</tr>
<tr>
<td>H.R. 3618</td>
<td>To provide for implementation of the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001, and for other purposes.</td>
<td>November 17, 2009</td>
<td></td>
</tr>
<tr>
<td>H.R. 3804</td>
<td>To make technical corrections to various Acts affecting the National Park Service, to extend, amend, or establish certain National Park Service authorities, and for other purposes.</td>
<td>December 7, 2009</td>
<td></td>
</tr>
<tr>
<td>H.R. 3820</td>
<td>To reauthorize Federal natural hazards reduction programs, and for other purposes.</td>
<td>March 2, 2010</td>
<td></td>
</tr>
<tr>
<td>H.R. 3960</td>
<td>To clarify the existing authority of, and as necessary provide express authorization for, public authorities to offer discounts in transportation tolls to captive tollpayers, and for other purposes.</td>
<td>September 28, 2010</td>
<td></td>
</tr>
<tr>
<td>H.R. 4714</td>
<td>To amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2011 through 2014, and for other purposes.</td>
<td>September 28, 2010</td>
<td></td>
</tr>
<tr>
<td>H.R. 4715</td>
<td>To amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes.</td>
<td>April 15, 2010</td>
<td></td>
</tr>
<tr>
<td>H.R. 4786</td>
<td>To provide authority to compensate Federal employees for the 2-day period in which authority to make expenditures from the Highway Trust Fund lapsed, and for other purposes.</td>
<td>March 10, 2010</td>
<td></td>
</tr>
<tr>
<td>H.R. 4915</td>
<td>To amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.</td>
<td>March 24, 2010</td>
<td></td>
</tr>
</tbody>
</table>
## Bills and Resolutions That Passed the House But Not Acted on by the Senate—Continued

<table>
<thead>
<tr>
<th>Bill No.</th>
<th>Title</th>
<th>Date of House Passage</th>
</tr>
</thead>
<tbody>
<tr>
<td>H.R. 5266</td>
<td>To extend the final report deadline and otherwise reauthorize the National Commission on Children and Disasters.</td>
<td>July 20, 2010</td>
</tr>
<tr>
<td>H.R. 5282</td>
<td>To provide funds to the Army Corps of Engineers to hire veterans and members of the Armed Forces to assist the Corps with curation and historic preservation activities, and for other purposes.</td>
<td>September 15, 2010</td>
</tr>
<tr>
<td>H.R. 5301</td>
<td>To extend the period during which the Administrator of the Environmental Protection Agency and States are prohibited from requiring a permit under section 402 of the Federal Water Pollution Control Act for certain discharges that are incidental to normal operation of vessels, to reauthorize the National Estuary Program, and for other purposes.</td>
<td>July 20, 2010</td>
</tr>
<tr>
<td>H.R. 5481</td>
<td>To give subpoena power to the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling.</td>
<td>June 23, 2010</td>
</tr>
<tr>
<td>H.R. 5503</td>
<td>To revise laws regarding liability in certain civil actions arising from maritime incidents, and for other purposes.</td>
<td>July 1, 2010</td>
</tr>
<tr>
<td>H.R. 5545</td>
<td>To deauthorize a portion of the project for navigation, Potomac River, Washington Channel, District of Columbia, under the jurisdiction of the Corps of Engineers.</td>
<td>July 20, 2010</td>
</tr>
<tr>
<td>H.R. 5604</td>
<td>To rescind amounts authorized for certain surface transportation programs.</td>
<td>July 20, 2010</td>
</tr>
<tr>
<td>H.R. 5717</td>
<td>To authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct a facility and to enter into agreements relating to education programs at the National Zoological Park facility in Front Royal, Virginia, and for other purposes.</td>
<td>September 28, 2010</td>
</tr>
<tr>
<td>H.R. 5730</td>
<td>To rescind earmarks for certain surface transportation projects.</td>
<td>July 27, 2010</td>
</tr>
<tr>
<td>H.R. 5825</td>
<td>To review, update, and revise the factors to measure the severity, magnitude, and impact of a disaster and to evaluate the need for assistance to individuals and households.</td>
<td>July 27, 2010</td>
</tr>
<tr>
<td>H.R. 6008</td>
<td>To ensure telephonic notice of certain incidents involving hazardous liquid and gas pipeline facilities, and for other purposes.</td>
<td>September 28, 2010</td>
</tr>
<tr>
<td>H.R. 6016</td>
<td>To provide for a GAO investigation and audit of the operations of the fund created by BP to compensate persons affected by the Gulf oil spill.</td>
<td>September 28, 2010</td>
</tr>
</tbody>
</table>
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, the Committee submitted its Views and Estimates Reports to the Committee on the Budget for fiscal years 2010 and 2011 on March 10, 2009, and March 4, 2010, 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 AND RESOLUTIONS

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

Full Committee

AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

Public Law 111–5

(H.R. 1)

February 17, 2009

The American Recovery and Reinvestment Act (Recovery Act) (P.L. 111–5) provided $64.1 billion of infrastructure investment for programs within the jurisdiction of the Committee on Transportation and Infrastructure, including: $27.5 billion for highways and bridges; $8.4 billion for public transit; $9.3 billion for passenger rail; $1.5 billion for competitive surface transportation grants; $1.3 billion for aviation; $5.26 billion for environmental infrastructure; $4.6 billion for the U.S. Army Corps of Engineers; $5.575 billion for Federal buildings; $150 million for the Economic Development Administration; $210 million for Firefighter Assistance Grants; $240 million for Coast Guard facilities and bridge alterations; and $100 million for Maritime Administration Small Shipyard Grants.

The Recovery Act generally required these funds to be invested in ready-to-go projects. Section 1602 of the Recovery Act required States and other grant recipients to give preference to projects that could be started and completed expeditiously, including a goal of using at least 50 percent of the funds for projects that could be initiated not later than 120 days (June 17, 2009) after the date of enactment. In addition, several transportation programs had specific deadlines to invest a percentage of the funds. For example, for Federal-aid Highway formula funds, 50 percent of State-administered funds had to be obligated within 120 days (June 30, 2009) of the date of apportionment and all funds had to be obligated within one year (March 2, 2010) of the date of apportionment. For transit formula grants, 50 percent of funds had to be obligated within 180 days (September 1, 2009) of the date of apportionment and all funds had to be obligated within one year (March 5, 2010) of the date of apportionment. Funding provided for passenger rail also had to be obligated by a specified date. The $8 billion provided for
The development of high-speed and intercity passenger rail must be obligated by September 30, 2014, and the $1.3 billion provided for capital improvements to the National Railroad Passenger Corporation (Amtrak) had to be obligated by September 30, 2010, with the exception of $5 million provided to the Amtrak Office of Inspector General which remains available through September 30, 2013.

The Recovery Act created “green collar” jobs and invested in projects that decreased our dependence on foreign oil and addressed global climate change. The Act provided $4.5 billion for High-Performance Green Federal buildings to fund projects that incorporate energy and water conservation elements, such as installing photovoltaic roofs and geothermal technology. In addition, the Recovery Act provided a significant investment in public transit, high-speed rail, intercity passenger rail, and Amtrak projects to provide alternatives to traveling by car, and help public transit and intercity passenger rail providers increase the percentage of their fleets that are alternative fuel vehicles. Finally, the Recovery Act directed that 20 percent of each State’s Clean Water State Revolving Fund allotment be used for investments in energy and water efficient techniques and technologies (i.e., green infrastructure). The Recovery Act also required the steel, iron, and manufactured goods for these projects to be produced in the United States.

The Recovery Act required the Governor of each State to certify that: the State would request and use funds provided by the Recovery Act and the funds would be used to create jobs and promote economic growth; the State would maintain its effort with regard to State funding for transportation projects; and the Governor accepted responsibility that the infrastructure investment is an appropriate use of taxpayer dollars.

Finally, the Recovery Act ensured transparency and accountability by including regular reporting requirements to track the use of the funds, State investments, and the estimated number of jobs created or sustained. Pursuant to section 1512 of the Act, States and other direct grant recipients provided quarterly reports (beginning October 10, 2009) to the Federal agency that provided the funds on the total amount of recovery funds received; the amount of such funds that were expended or obligated; a detailed list of all projects or activities for which recovery funds were expended or obligated, including the name and description of the project, an evaluation of the completion status of the project, and an estimate of the number of jobs created or sustained by the project; and, for infrastructure investments made by State and local governments, the purpose, total cost, and rationale of the agency for funding the infrastructure investment. This information was made publicly available through Recovery.gov.

Section 1201 of the Recovery Act required additional reporting requirements for funds administered by the U.S. Department of Transportation (DOT). Under this provision, each State and other grant recipient submitted periodic reports to DOT on the use of Recovery Act funds provided for highway, public transit, rail, surface transportation, airport, and maritime programs. The States and other grant recipients reported: the amount of Federal funds obligated and obligated; the number of projects that have been put out to bid, and the amount of Federal funds associated with such
projects; the number of projects for which contracts have been awarded, and the amount of Federal funds associated with such projects; the number of projects for which work has begun under such contracts and the amount of Federal funds associated with such contracts; the number of projects for which work has been completed under such contracts and the amount of Federal funds associated with such contracts; the number of direct, on-project jobs created or sustained by the Federal funds provided and, to the extent possible, the estimated indirect jobs created or sustained in the associated supplying industries, including the number of job-years created and the total increase in employment since the date of enactment; and information tracking the actual aggregate expenditures by each grant recipient from state sources for projects eligible for funding under the program during the period from the date of enactment through September 30, 2010, compared to the level of expenditures that were planned to occur during such period as of the date of enactment.

TO AMEND THE OIL POLLUTION ACT OF 1990 TO AUTHORIZE ADVANCES FROM OIL SPILL LIABILITY TRUST FUND FOR THE DEEPWATER HORIZON OIL SPILL

Public Law 111–191

(S. 3473)

June 15, 2010

This law amends the Oil Pollution Act of 1990 to exempt advances to the Coast Guard in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon from the requirement that amounts in the Oil Spill Liability Trust Fund (Fund) be available only as provided in annual appropriations acts. P.L. 111–191 limits such advances to a maximum of $100 million each, with the total amount for all advances subject to the limits of existing law (i.e., not to exceed $1 billion for any single incident and $500 million for natural resource damage assessments and claims for any single incident, provided that, except in the case of payments of removal costs, an advance may be made only if the amount in the Fund after such advance will not be less than $30 million). The Coast Guard is required to notify Congress within seven days of the amount advanced and the facts and circumstances necessitating the advance.

IKE SKELTON NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

Public Law 111–____

(H.R. 6523)

January 2011

AVIATION

Section 358 requires the Secretary of Defense to take certain actions to expedite Department of Defense (DOD) review of new in-
Infrastructure projects that may have an adverse impact on military operations and readiness. Specifically, this requires the designation of a senior official and a lead organization at DOD to coordinate the Department’s review of applications for projects filed with the Secretary of Transportation pursuant to section 44718 of title 49, United States Code (regarding the impact of the construction, alteration, establishment, or expansion, of a structure that may result in an obstruction of the navigable airspace or an interference with air navigation facilities and equipment or the navigable airspace). Within 180 days, the designated official and lead organization at DOD must: conduct a preliminary review and assessment of any pending project applications; develop an integrated review process to ensure timely notification and consideration of project applications that may have an adverse impact on military operations and readiness; establish procedures for DOD to coordinate consideration of and response to a request for a review received from State and local officials or renewable energy project developers; and develop procedures for conducting early outreach to parties carrying out such projects. DOD is required to have a strategy in place within 270 days to take the same steps with respect to any future project applications filed with the Department of Transportation (DOT). For projects where DOD is concerned about potential impacts on military readiness, this section requires DOD to conduct its hazard assessment within 30 days of receiving an application from DOT. This section clarifies that the DOD hazard assessment shall not be considered a substitute for any assessment or determination required by the Federal Aviation Administration under current law.

WATER RESOURCES AND ENVIRONMENT

Sections 311 and 312 provide the Secretary of Defense the authority to transfer funds to the Hazardous Substance Superfund. Section 311 authorizes a reimbursement of the Environmental Protection Agency (EPA) for costs incurred related to response activities performed at the Twin Cities Army Ammunition Plant, Minnesota. Section 312 authorizes funds to pay a penalty assessed by the EPA against Naval Air Station, Brunswick, Maine, for the failure of the Navy to sample certain monitoring wells in a timely manner.

Section 2815 requires the Secretary of Defense, within 270 days, to conduct a study relating to the presence of unexploded ordnance in a portion of the former bombardment area at Culebra Island, Puerto Rico. The Secretary is specifically directed to examine any threats to public health or safety and the environment from unexploded ordnance.

Section 2822 authorizes the Secretary of Defense to convey to the Guam Waterworks Authority all right, title, and interest of the United States in and to the water and wastewater treatment utility systems on Guam, including the Pena Reservoir, for the purpose of establishing an integrated water and wastewater treatment system on Guam.
COAST GUARD AND MARITIME TRANSPORTATION

The bill also contains several sections affecting the United States Coast Guard, including provisions that increase the annual pay and alter benefits eligibility for Coast Guard men and women.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Public Law 111–84
(H.R. 2647)
October 28, 2009

AVIATION

Section 935 requires the Secretary of Transportation and the Secretary of Defense to create a joint plan to accommodate Department of Defense (DOD) unmanned aircraft systems in the national airspace.

COAST GUARD AND MARITIME TRANSPORTATION

Section 601 authorizes a 3.4 percent increase in basic pay for members of the uniformed services, including the Coast Guard.

Section 3505 requires the Secretary of Defense and the Secretary of the Department in which the Coast Guard is operating to prescribe non-lethal defense measures to defend against piracy, and to require that U.S.-flagged vessels participating in the Maritime Security Program carrying DOD cargo and operating in an area designated by the Coast Guard as an area of high risk of piracy be equipped with such measures.

Section 3512 directs the Secretary of Transportation, through the Maritime Administrator, to establish a port infrastructure development program and a port infrastructure development fund. The provision expressly prohibits the transfer of highway and public transit funds (made available under title 23 or chapter 53 of title 49, United States Code) to the port infrastructure development fund, except under very limited circumstances.

Section 3515 authorizes the Secretary of Transportation to establish and implement a short sea transportation grant program for the development of marine highways.

Section 3516 requires the Secretary of Transportation to expand the Marine View system, an information system containing data on the nation’s marine transportation system, which is defined as the navigable water transportation system of the U.S. including vessels, ports, shipyards, and vessel repair facilities.

WATER RESOURCES AND ENVIRONMENT

Section 315 authorizes the Secretary of Defense to transfer $68,623 into the Hazardous Substance Superfund (Superfund) to reimburse the Environmental Protection Agency (EPA) for costs incurred overseeing a remediation at the Former Nansemond Ordnance Depot Site, Suffolk, Virginia.

Section 2860 authorizes the Secretary of the Air Force to convey land at Lackland Air Force Base in Texas in exchange for real property adjacent to the property.
SUPPORTING THE GOALS AND IDEALS OF NATIONAL PUBLIC WORKS WEEK

(H. Res. 313)

May 5, 2009

H. Res. 313 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.

EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES REGARDING THE TERRORIST ATTACKS LAUNCHED AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

(H. Res. 722)

September 9, 2009

H. Res. 722 recognizes September 11 as both a day to mourn and remember those taken from their loved ones and fellow citizens, and a day for the people of the United States to recommit to the nation and to each other. The resolution also states that the U.S. House of Representatives extends its deepest sympathies to the friends, families, and loved ones of the innocent victims of the September 11, 2001 terrorist attacks; honors the heroic service and sacrifices of first responders, law enforcement personnel, state and local officials, volunteers, and others who aided the victims and, in so doing, bravely risked and often sacrificed their own lives and health; and expresses gratitude to the foreign leaders and citizens of all nations who continue to stand in solidarity with the United States against the international scourge of terrorism. The resolution also asserts, in the strongest possible terms, that the fight against terrorism is not a war on any nation, any people, or any faith; recognizes the heroic service of United States personnel, including members of the United States Armed Forces, United States intelligence agencies, and the United States diplomatic service, and their families, who have sacrificed much, including their lives and health, to defend their country against terrorists; and that the U.S. House of Representatives will continue to take whatever actions are appropriate to defend the people of the United States and to identify, intercept, and defeat terrorists, including providing the United States Armed Forces, United States intelligence agencies, and the United States diplomatic service with the resources and support to effectively accomplish this mission. The resolution calls on all Americans to renew their devotion to the universal ideals that make the nation great: freedom, pluralism, equality, and the rule of law.
HONORING AND CELEBRATING THE CONTRIBUTIONS OF AFRICAN-AMERICANS TO THE TRANSPORTATION AND INFRASTRUCTURE OF THE UNITED STATES

(H. Res. 1085)

February 24, 2010

H. Res. 1085 supports the goals and ideals of National African American History Month; honors and celebrates the important contributions that African-Americans have made throughout history to the transportation and infrastructure of the United States; and urges citizens and communities throughout the United States to join with representatives of the Federal Government to recognize the substantial contributions that African-Americans have made and continue to make to the nation’s transportation and infrastructure systems.

EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES REGARDING THE TERRORIST ATTACKS LAUNCHED AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

(H. Res. 1610)

September 15, 2010

H. Res. 1610 recognizes September 11 as both a day to mourn and remember those taken from their loved ones and fellow citizens, and a day for the people of the United States to recommit to the nation and to each other. The resolution also states that the U.S. House of Representatives extends its deepest sympathies to the friends, families, and loved ones of the innocent victims of the September 11, 2001, terrorist attacks; honors the heroic service and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers, and others who aided the victims and, in so doing, bravely risked and often sacrificed their own lives and health; and expresses gratitude to the foreign leaders and citizens of all nations who continue to stand in solidarity with the United States against the international scourge of terrorism. The resolution also: recognizes the heroic service of United States personnel, including members of the Armed Forces, intelligence agencies, the diplomatic service, the law enforcement and homeland security communities, and their families, who have sacrificed much, including their lives and health, to defend their country against terrorists; states that the U.S. House of Representatives vows that it will continue to take whatever actions are appropriate to defend the people of the United States and to identify, intercept, and defeat terrorists, including providing the Armed Forces, intelligence agencies, the diplomatic service, and the law enforcement and homeland security communities with the resources and support necessary to effectively accomplish this mission; and reaffirms that the American people will never forget the sacrifices made on and since September 11, 2001.
Aviation

AIRLINE SAFETY AND FEDERAL AVIATION ADMINISTRATION
EXTENSION ACT OF 2010

Public Law 111–216

(H.R. 5900)

(See also H.R. 3371)

August 1, 2010


In addition, the law incorporates the provisions of H.R. 3371, the “Airline Safety and Pilot Training Improvement Act of 2009”. These provisions require meaningful improvements to the safety of U.S. airline operations. The law increases pilot training, qualifications, screening and professional development. It establishes an FAA Task Force that will identify aviation industry best practices regarding: pilot training, pilot professional standards, and inter-carrier information sharing, mentoring and other safety-related practices. In addition, the law requires the FAA to ensure that pilots are trained on stall recovery and upset recovery, and that airlines provide remedial training. The law mandates that the FAA convene a multidisciplinary panel on pilot training for stick pusher operations (which pulls an aircraft out of a stall), and to implement the recommendations of the panel. Further, it requires the Secretary of Transportation to provide an annual report to Congress on how the agency is addressing each open National Transportation Safety Board (NTSB) recommendation pertaining to part 121 (commercial) air carriers.

The law requires airline pilots to hold an Airline Transport Pilot (ATP) certificate, which requires a prerequisite of 1,500 flight hours. Additionally, the law mandates that the FAA raise other minimum requirements for the ATP certificate, to include training to function effectively in an air carrier operational environment; adverse weather conditions, including icing; high altitude operations; and a multi-pilot crew. It also enables the FAA to consider allowing certain academic training to be counted towards the 1,500-hour ATP certificate requirement. The law establishes comprehensive pre-employment screening of prospective pilots and establishes a pilot records database to provide airlines with fast, electronic access to a pilot’s comprehensive record. In addition, the law
requires the FAA to convene a multidisciplinary panel on pilot training for weather events.

To address issues related to pilot fatigue, the law directs the FAA to update and implement new pilot flight- and duty-time rules and fatigue risk management plans to more adequately track scientific research in the field of fatigue. The law also studies the impact of pilots’ commuting practices on fatigue and provides preliminary results to the FAA to be considered as part of the flight- and duty-time rulemaking.

The law emphasizes the importance of voluntary safety programs, which create a partnership between pilots and airline management to voluntarily disclose safety problems without fear of punishment. It directs the FAA to develop and implement a plan to facilitate the establishment of an Aviation Safety Action Program and a Flight Operational Quality Assurance program by all commercial airlines and their unions. The law also requires the FAA to report on several of its safety programs, including an analysis of which airlines are using the programs; how the FAA will expand the use of the programs; and how the FAA is using data from the programs as safety analysis and oversight tools for aviation safety inspectors.

The law directs the Government Accountability Office (GAO) to conduct a study of: pilot academic training requirements; pilot education provided by accredited two- and four-year colleges/universities; foreign academic requirements; the FAA’s oversight of flight schools; and student loan options available to student pilots. In addition, the law requires the Department of Transportation Inspector General (DOT IG) to study the FAA’s safety oversight tools and resources used to oversee regional airlines. To enhance consumer transparency, the law mandates that Internet websites that sell airline tickets disclose to the purchaser on the first page of the website the air carrier that operates each segment of the flight.

AIRPORT AND AIRWAY EXTENSION ACT OF 2010, PART IV

Public Law 111–329

(H.R. 6473)

December 22, 2010

The most recent long-term FAA reauthorization act, Vision 100, expired September 30, 2007. In 2009, the House passed H.R. 915, the “FAA Reauthorization Act of 2009”. In March 2010, the Senate passed its own comprehensive FAA reauthorization act. As of December 2, 2010, the House and Senate have not been able to resolve the differences between both bills.

Pending final enactment of a long-term reauthorization bill, Congress has passed a series of short-term acts extending the FAA’s authority to administer aviation programs and to receive tax proceeds. The authority extended by a prior extension act, P.L. 111–249, expires December 31, 2010. Because work to reconcile the long-term bills passed by the House and Senate may not be completed before the current authority for aviation programs expires,
Public Law 111–329 extends that authority through March 31, 2011.

The Airport and Airway Extension Act of 2010, Part IV (P.L. 111–329) extends the authorization of appropriations for aviation programs; excise taxes on aviation fuels and air transportation of persons and property; and the expenditure authority for the Airport and Airway Trust Fund through March 31, 2011. This legislation also extends through March 31, 2011, various airport development projects, including: (1) the pilot program for passenger facility fees at nonhub airports; (2) small airport grants for airports located in the Marshall Islands, Micronesia, and Palau; (3) state and local airport land use compatibility projects; (4) the authority of the Metropolitan Washington Airports Authority to apply for an airport development grant and impose a passenger facility fee; (5) the temporary increase to 95 percent in the government share of certain Airport Improvement Program (AIP) project costs; and (6) Midway Island airport development. It also extends through March 31, 2011, AIP projects and project grant authority, as well as the U.S. Department of Transportation (DOT) insurance coverage for domestic and foreign-flag air carriers. Air carrier liability limits for injuries to passengers resulting from acts of terrorism are extended through June 30, 2011.

AIRPORT AND AIRWAY EXTENSION ACT OF 2010, PART III

Public Law 111–249
(H.R. 6190)
September 30, 2010


AIRPORT AND AIRWAY EXTENSION ACT OF 2010, PART II

Public Law 111–197
(H.R. 5611)
July 2, 2010

The most recent long-term FAA reauthorization act, Vision 100, expired September 30, 2007. In 2009, the House passed H.R. 915, the “FAA Reauthorization Act of 2009”. In March, the Senate

**AIRPORT AND AIRWAY EXTENSION ACT OF 2010**

Public Law 111–161  
(H.R. 5147)  
April 30, 2010


**FEDERAL AVIATION ADMINISTRATION EXTENSION ACT OF 2010**

Public Law 111–153  
(H.R. 4957)  
March 31, 2010


**FISCAL YEAR 2010 FEDERAL AVIATION ADMINISTRATION EXTENSION ACT, PART II**

Public Law 111–116  
(H.R. 4217)  
December 16, 2009

The most recent long-term FAA reauthorization act, Vision 100, expired September 30, 2007. In 2009, the House passed H.R. 915, the “FAA Reauthorization Act of 2009”. Pending completion of a

**Fiscal Year 2010 Federal Aviation Administration Extension Act**

Public Law 111–69  
(H.R. 3607)  
October 1, 2009


**Federal Aviation Administration Extension Act of 2009**

Public Law 111–12  
(H.R. 1512)  
March 30, 2009

The Federal Aviation Administration Extension Act of 2009 (P.L. 111–12) extends the authorization of appropriations for aviation programs; excise taxes on aviation fuels and air transportation of persons and property; and the expenditure authority for the Airport and Airway Trust Fund through fiscal year (FY) 2009. This legislation also extends through FY 2009 various airport development projects, including: (1) the pilot program for passenger facility fees at nonhub airports; (2) small airport grants for airports located in the Marshall Islands, Micronesia, and Palau; (3) state and local airport land use compatibility projects; (4) the authority of the Metropolitan Washington Airports Authority to apply for an airport development grant and impose a passenger facility fee; (5) the temporary increase to 95 percent in the government share of certain AIP project costs; and (6) Midway Island airport development. It also extends, through FY 2009, AIP projects and project grant authority, as well as the DOT insurance coverage for domestic and foreign-flag air carriers. Air carrier liability limits for injuries to passengers resulting from acts of terrorism are extended through December 31, 2009.
TO DESIGNATE THE AIRPORT TRAFFIC CONTROL TOWER LOCATED AT
SPOKANE INTERNATIONAL AIRPORT IN SPOKANE, WASHINGTON, AS
THE “RAY DAVES AIR TRAFFIC CONTROL TOWER”

Public Law 111–326
(H.R. 5591)
December 22, 2010

This law designates the airport traffic control tower located at
the Spokane International Airport in Spokane, Washington, as the
“Ray Daves Air Traffic Control Tower”. Ray Daves was a radioman
for the U.S. Navy at the Pacific Fleet Headquarters in Oahu, Ha-
waii, during the Japanese attack on Pearl Harbor. When World
War II was over, Daves became a civilian air traffic controller at
Geiger Field, later known as the Spokane International Airport, in
Spokane, Washington. He worked as an air traffic controller there
from 1946 to 1974.

EXPRESSING THE SENSE OF THE CONGRESS THAT GENERAL AVIATION
PILOTS AND INDUSTRY SHOULD BE RECOGNIZED FOR THE CONTRIB-
UTIONS MADE IN RESPONSE TO HAITI EARTHQUAKE RELIEF
EFFORTS

(S. Con. Res. 61)
May 12, 2010

S. Con. Res. 61 expresses the shared determination that Con-
gress recognizes the many contributions of general aviation pilots
and industry to the Haiti earthquake relief efforts. The concurrent
resolution further encourages the continued generosity of general
aviation pilots and operators in the ongoing humanitarian relief ef-
forts in Haiti.

HONORING THE HEROIC ACTIONS OF THE PILOT, CREW, AND
RESCUERS OF US AIRWAYS FLIGHT 1549

(H. Res. 84)
January 26, 2009

H. Res. 84 honors the heroic actions of the pilot, crew, and res-
cuers of US Airways Flight 1549, which made an emergency land-
ing on the Hudson River on January 15, 2009, following dual en-
gine failure minutes after its departure from LaGuardia Airport.
The resolution commends the skill with which Captain Chesley B.
Sullenberger III and his copilot Jeffrey B. Skiles masterfully land-
ed the plane on the river; as well as flight attendants Doreen
Welsh, Donna Dent, and Sheila Dail, who quickly evacuated all 150
passengers. It also praises the U.S. Coast Guard, police, and ferry
boats, for arriving to rescue the passengers within minutes of the
accident.
EXPRESSING CONDOLENCE TO THE FAMILIES, FRIENDS, AND LOVED ONES OF THE VICTIMS OF THE CRASH OF CONTINENTAL CONNECTION FLIGHT 3407

(H. Res. 183)
February 26, 2009

H. Res. 183 expresses sympathy to those who lost family, friends, and loved ones in the tragic crash of Continental Connection Flight 3407, operated by Colgan Air. The lives of all 49 passengers and crew on the flight were lost on February 12, 2009, when Flight 3407 crashed in Clarence Center, New York, about five miles outside of Buffalo. The Bombardier Dash 8–400 was en route from Newark Liberty International Airport and it had begun its descent into Buffalo Niagara International Airport. The plane crashed into a house on the ground, killing one person inside as well. The resolution honors the lives that were lost on Flight 3407 and commends the first responders, emergency services personnel, volunteers, and air traffic controllers for their work.

CONGRATULATING AND SALUTING THE SEVENTIETH ANNIVERSARY OF THE AIRCRAFT OWNERS AND PILOTS ASSOCIATION (AOPA) AND THEIR DEDICATION TO GENERAL AVIATION, SAFETY AND THE IMPORTANT CONTRIBUTION GENERAL AVIATION PROVIDES TO THE UNITED STATES

(H. Res. 472)
June 9, 2009

H. Res. 472 congratulates and salutes the seventieth anniversary of the Aircraft Owners and Pilots Association (AOPA) and its dedication to general aviation and safety, and the important contribution that general aviation provides to the United States. In addition, the resolution commends AOPA for: creating the Air Safety Foundation, leading the recovery of the general aviation light aircraft manufacturing industry, and setting the stage for the development of Next Generation Air Transportation System by being an early proponent of the civilian use of the global positioning system. AOPA was incorporated on May 15, 1939, as a non-profit organization dedicated to general aviation.

EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES THAT THE GENERAL AVIATION INDUSTRY SHOULD BE RECOGNIZED FOR ITS CONTRIBUTIONS TO THE UNITED STATES.

(H. Res. 508)
July 29, 2009

H. Res. 508 expresses support for the general aviation industry, recognizes general aviation’s contributions to the United States, and encourages general aviation activity. General aviation includes all civilian flying except scheduled passenger airline activity. General aviation transports 170 million passengers annually, on over 230,000 aircraft. In addition, general aviation stimulates local and
regional economies it comprises over $150 billion in direct and indirect economic output and supports almost 1.3 million jobs.

COMMENDING RUSS MEYER ON HIS INDUCTION INTO THE NATIONAL AVIATION HALL OF FAME

(H. Res. 719)

October 14, 2009

H. Res. 719 congratulates Russell W. Meyer for being inducted into the National Aviation Hall of Fame and recognizes his achievements and his lifetime of service to the aviation industry. Russ Meyer received a Bachelor of Arts degree from Yale, and Doctor of Law degree from Harvard. He went on to serve in both the Air Force and the Marine Corps Reserves as a fighter pilot from 1955–1961. As Cessna Aircraft Company Chairman and Chief Executive Officer from 1975 to 2003, Meyer advocated for the General Aviation Revitalization Act of 1994, which limited liability for aircraft manufacturers. He also expanded Cessna’s Citation line of business jets, winning two Collier Trophies. In 1995, he won the Wright Brothers Memorial Trophy for his role in the creation of the Citation Special Olympics Airlift, which coordinated hundreds of owners of Citation aircraft to transport athletes from around the country to the Special Olympics National Games. Meyer also helped to develop the “Be a Pilot Program”, which encouraged flight training schools to offer reduced rates on introductory flight training lessons. The “Be a Pilot Program” led to tens of thousands of new pilots. On July 19, 2009, Meyer was enshrined in the National Aviation Hall of Fame.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL LEARN TO FLY DAY, AND FOR OTHER PURPOSES

(H. Res. 1284)

May 12, 2010

H. Res. 1284 supports the goals and ideals of National Learn to Fly Day and recognizes the contributions of flight instructors, flight schools, aviation groups, and industry in promoting and teaching the nation’s next generation of pilots.

EXPRESSING GRATITUDE FOR THE CONTRIBUTIONS THAT THE AIR TRAFFIC CONTROLLERS OF THE UNITED STATES MAKE TO KEEP THE TRAVELING PUBLIC SAFE AND THE AIRSPACE OF THE UNITED STATES RUNNING EFFICIENTLY, AND FOR OTHER PURPOSES

(H. Res. 1401)

July 27, 2010

Air traffic controllers are responsible for ensuring the safety of approximately two million aviation passengers a day by providing separation services to aircraft operating in the national airspace system. Air traffic controllers react to highly complex and sometimes dangerous situations on a daily basis. In addition, they are
responsible for working seven days a week, 24 hours a day, including holidays. Due to the highly stressful nature of the job, which requires total concentration, air traffic controllers must retire by age 56.

Currently, more than 15,700 controllers, including those at the FAA Academy in Oklahoma City, air traffic control facilities, and the Air Traffic System Command Center, are employed in the United States.

H. Res. 1401 describes nine separate incidents where controllers saved many lives by providing excellent service in a calm and professional manner. The resolution recognizes the nation’s air traffic controllers by expressing gratitude for the contributions that air traffic controllers make to keep the traveling public safe and the airspace of the United States running efficiently. It commends air traffic controllers for the calm and professional manner in which they ensure separation of air traffic. H. Res. 1401 also acknowledges air traffic controllers’ heroic action, dedication, and quick and skillful decision-making.

Furthermore, the resolution encourages greater investment in the modernization of the nation’s air traffic control system so that air traffic controllers have the resources and technology needed to better carry out their mission as air travel continues to grow.

SUPPORTING BACKCOUNTRY AIRSTRIPS AND RECREATIONAL AVIATION
(H. Res. 1473)
September 15, 2010

H. Res. 1473 recognizes the value of recreational aviation and backcountry airstrips located on the nation’s public lands and commends aviators and the various organizations that maintain these airstrips for public use.

In general, a backcountry airstrip is an unattended landing area in a location that provides access to remote, undeveloped rural areas by aircraft, usually airplanes. Backcountry airstrips allow enhanced access for a variety of recreational activities, emergency services, firefighting, and land management activities, and they provide a means of access to remote areas for physically disadvantaged individuals who might not otherwise be able to get to remote locations for leisure. These airstrips also serve as efficient access points for tourists, who in turn contribute to local economies and small businesses. More importantly, in the event of mechanical problems or inclement weather, they serve as emergency landing sites for aircraft when larger airports are out of reach.

Many backcountry airstrips are privately owned. However, several state aviation offices own and operate backcountry airstrips, and many airstrips are owned by public agencies involved in land management, such as the U.S. Forest Service, National Park Service, Bureau of Land Management, and the Bureau of Reclamation.
CONGRATULATING THE NATIONAL AIR TRANSPORTATION ASSOCIATION FOR CELEBRATING ITS 70TH ANNIVERSARY

(H. Res. 1669)

December 1, 2010

H. Res. 1669 recognizes National Air Transportation Association’s (NATA) historical contributions to general aviation and congratulates NATA for celebrating its 70th anniversary. NATA was founded on December 28, 1940, at a critical moment in the development of general aviation in the United States. Today, NATA represents more than 2,000 member companies that own, operate, or service aircraft and provide for the needs of the traveling public by offering services and products to aircraft operators and others.

Coast Guard and Maritime Transportation

COAST GUARD AUTHORIZATION ACT OF 2010

Public Law 111–281

(H.R. 3619)

(See also H.R. 2650, H.R. 2652, H.R. 3376)

October 15, 2010

The Coast Guard Authorization Act of 2010 (P.L. 111–281) is the authorizing legislation for the Coast Guard. The legislation is based on H.R. 2830, the “Coast Guard Authorization Act of 2007”, which passed in the House during the 110th Congress on April 24, 2008. Public Law 111–281 also incorporates several bills related to the Coast Guard and maritime transportation. Public Law 111–281 is the first Coast Guard authorization act to be enacted into law since 2006.

The law authorizes annual appropriations for the service and an increase in its military end strength. Public Law 111–281 also includes other provisions that address: Coast Guard personnel and management; shipping and navigation; acquisition reform; leadership structure within Coast Guard; marine safety; oil spill prevention; port security; and the use of toxic hull coatings on certain vessels.

Title I authorizes $10.2 billion in FY 2011 for the Coast Guard and increases the service’s authorized end-strength of military personnel by 1,500 members to 47,000.

Title II makes changes to the management of the Coast Guard’s officer corps and provides for Coast Guard families.

The law establishes the number and distribution of commissioned Coast Guard officers and sets compulsory retirement ages for flag and regular commissioned officers, and authorizes Coast Guard veterans’ access to the Armed Forces Retirement Home system. Title II also provides the Coast Guard with the flexibility to retain and promote officers that have specialized skills to meet the needs of the Coast Guard. The law also authorizes two Presidential
awards—the Coast Guard Cross and the Silver Star medal for extraordinary heroism and gallantry, respectively.

The law provides for Coast Guard personnel and their families by: (1) authorizing reimbursement to Coast Guard personnel stationed at remote locations for reasonable expenses related to travel for medical reasons; (2) facilitating the acquisition of family housing for military personnel; (3) authorizing the use of appropriated funds to provide child development services with fees for the services to be based upon family income; and (4) authorizing the Secretary to provide support services for chaplain-led programs that assist active duty and reserve personnel and their families to maintain strong families. This law also permits active duty Coast Guard personnel assigned to support operations associated with major disasters or spills of national significance to retain leave in excess of normal limitations. In addition, the position of District Ombudsman is created in each Coast Guard district to serve as a liaison between the Coast Guard and the maritime community.

Title III makes changes to certain laws that apply to shipping and navigation. The law: (1) creates a civil penalty for simple possession of controlled substances on vessels subject to the jurisdiction of the United States; (2) requires a plan to deliver merchant mariners’ documents by mail; (3) phases out, after December 31, 2017, the deployment of foreign-flag vessels engaged in certain operations on the outer continental shelf in the Beaufort and Chukchi Seas off Alaska; and (4) includes measures to help ensure safe and secure shipping in the Arctic.

Title III ensures safe and secure maritime shipping in the Arctic by encouraging the Secretary to enter into negotiations through the International Maritime Organization to promote coordinated action between the United States, Russia, Canada, Iceland, Norway, and Denmark to ensure: (1) maintenance of aids to navigation; (2) marine safety and salvage capability; (3) oil spill prevention and response capability; (4) maritime domain awareness; and (5) search and rescue capability. The law also requires the Secretary to promote safe navigation through icebreaking where necessary.

Title IV responds directly to the issues related to the Coast Guard’s acquisition programs. This title is based upon, H.R. 1665, the “Coast Guard Acquisition Reform Act of 2009”, which passed the House on July 29, 2009.

Specifically, this title makes improvements in Coast Guard acquisition management by: (1) requiring the Commandant of the Coast Guard to select a Chief Acquisition Officer who meets prescribed training and experience standards; (2) creating an Acquisition Directorate within the Coast Guard with a defined mission and a workforce dedicated to performing acquisition functions; and (3) establishing experience standards for acquisition personnel. The law also prohibits the use of private sector lead systems integrators after the date of enactment, except to complete certain specific acquisitions.

Title IV also defines levels of acquisitions based upon life-cycle costs and prescribes a process for large acquisitions through which the Coast Guard must: (1) clearly define operational requirements of projects and programs; (2) analyze alternatives; (3) develop project or program baselines; (4) produce life-cycle cost estimates;
and (5) assess the merits of alternatives. The analysis of alternatives is to be prepared by a Federally-funded research and development center. The law also requires reports to Congress when cost overruns and delays in excess of prescribed levels occur.

Title V modernizes the Coast Guard by reorganizing the Coast Guard's senior leadership, as proposed by the Coast Guard. This title authorizes no more than four vice admiral positions to perform duties prescribed by the Commandant.

The law requires the Secretary to ensure appropriate career paths and minimum qualifications for prevention and response personnel who wish to develop expertise in prevention and response, and authorizes the Commandant of the Coast Guard to establish centers of expertise for prevention and response.

The law requires the Coast Guard to develop a long-term strategy for improving marine safety with the following priorities and goals: (1) reducing the number and rates of marine casualties; (2) improving the consistency and effectiveness of enforcement and compliance programs; (3) targeting high-risk vessels for enforcement efforts; and (4) improving research.

Title V also requires that any individual, excluding the Commandant, who adjudicates an appeal or waiver of a decision related to marine safety must be a qualified specialist who is able to effectively judge the facts. In addition, the Commandant must ensure that the Coast Guard Academy will provide courses in mariner safety.

Title VI enhances marine safety through a variety of provisions.

The law enhances fishing vessel safety by: (1) permitting owners of certain fishing vessels to rebuild or replace their vessels and maintain the vessels' permits or licenses to fish; (2) establishing safety equipment and vessel construction standards; and (3) requiring fishing vessels of certain sizes and those fishing vessels that undergo substantial changes to comply with load line regulations and comply with classification society rules and standards for construction and equipment. Compliance with these requirements will be certified by a classification society. The law further enhances fishing vessel safety by establishing safety standards with respect to equipment and operations including: (1) survival craft that ensure no part of an individual is immersed in the water; (2) carriage of marine radios, nautical charts and publications, and sufficient medical supplies; and (3) requiring individuals in charge of fishing vessels to pass a training program approved by the Secretary. Individuals in charge of fishing vessels must also maintain records of safety equipment maintenance and safety drills.

The law enhances marine safety in other areas by: (1) requiring certain vessels to maintain official logbooks and to log the service hours of seamen, their injuries, and their illnesses; (2) requiring “safety management systems” on certain passenger vessels; (3) authorizing the Coast Guard to terminate the operation of vessels for “unsafe operation”; (4) permitting seamen who suffer discrimination because they report safety violations to use the same Department of Labor complaint process that is currently available to workers in the other transportation modes; (5) authorizing the Coast Guard to establish standards for required marine safety equipment based on performance, best available technology, and
This title also: (1) removes the tonnage limit on offshore supply vessels and prescribes manning levels and watch schedules aboard offshore supply vessels; (2) reauthorizes several advisory committees related to marine safety; and (3) authorizes the Secretary to delegate authority to review and approve plans and to conduct inspections and examinations to the American Bureau of Shipping or another classification society recognized by the Secretary with respect to offshore facilities.

Title VII reduces the risk of oil spills during transfers of oil between vessels. The law: (1) requires the Secretary to conduct a study to identify the types of human errors that lead to oil spills, with particular attention to fatigue; (2) extends liability for oil spills to the owners of cargo shipped on single-hulled vessels; and (3) amends the Oil Pollution Act of 1990 to extend to tank vessels of 100 gross tons or more the requirement to show financial responsibility for oil spills.

Title VIII contains a number of provisions that enhance the security of the nation’s waterways, ports, and marine cargoes. This title: (1) establishes the America’s Waterway Watch Program to promote voluntary reporting of activities that may indicate a threat or an act of terrorism; (2) requires the Coast Guard to enforce the security zones imposed around tank vessels containing especially hazardous cargos; (3) permits engagement of State and local law enforcement to provide waterside security at terminals handling especially hazardous cargoes; (4) mandates that the Secretary make a recommendation regarding the suitability of a waterway to accommodate the marine traffic associated with a waterside liquefied natural gas facility to the Federal Energy Regulatory Commission, after considering recommendations by States; (5) authorizes the Coast Guard to assist foreign port facility operators to meet international port security standards; (6) requires the Secretary to develop and utilize a national standard and formula for prioritizing and addressing security risks at United States ports; (7) requires development of a program for the mobile biometric identification of suspect individuals including terrorists; and (8) prescribes training standards for the certification of port facility security officers.

This title also requires the Secretary, in conjunction with the appropriate Federal agencies, to develop a national strategy for the waterside security of vessels and facilities handling especially hazardous cargoes.

To ensure that the Coast Guard is able to carry out the Service’s other homeland security responsibilities, the law authorizes additional Coast Guard maritime forces and security teams. The legislation requires no fewer than two teams of deployable specialized forces capable of combating terrorism, engaging in interdiction, law enforcement, and advanced tactical maritime security operations. The law also requires the Secretary to increase the number of canine teams capable of detecting narcotics and explosives by no fewer than 10 annually through fiscal year 2012.
Title VIII also contains several provisions related to security and maritime workers. The law requires: (1) that seamen, pilots, and representatives of seamen’s welfare and labor organizations not be charged fees individually for expenses related to access through port facilities and shore leave; (2) coordination between the Secretary and owners and operators of port facilities to allow workers who have applied for, but have not yet received, a transportation workers’ security card to be escorted into secure or restricted areas of a port facility; (3) the Secretary to make timely responses to individuals who apply for a transportation security card; (4) the establishment of procedures for maritime workers to be fingerprinted, as part of an application for a transportation security card, at any of no fewer than 20 facilities operated by or under contract to the Department of Homeland Security; and (5) development of a plan to permit maritime workers to receive their transportation security cards at facilities or aboard vessels. The law also authorizes the Secretary to use a secondary means to verify the identities of individual applying for a transportation security card.

Title IX includes several miscellaneous provisions. The provisions include: (1) waivers of the requirements for coastwise endorsements for certain vessels, subject to specific conditions; (2) changes to the penalties payable by operators of certain cruise ships for non-payment of seamen’s wages in class action suits; (3) an extension of the current deadline for compliance with U.S.-citizen manning requirements for operators of vessels in the U.S. distant water tuna fishing fleet to December 31, 2012; (4) a provision to limit the jurisdiction of States to tax certain seamen; (5) authorization to convey certain Coast Guard property to certain local governments; (6) authorization for the States of Texas and Oklahoma to license operators of uninspected passenger vessels operating on Lake Texoma; and (7) limitation of the liability for monetary damages of individuals who use or authorize the use of force to defend a vessel of the United States against piracy.

The law also strengthens criminal penalties for failing to heave to, obstructing Coast Guard boardings, and providing false information to the Coast Guard when the offense involves “aggravating factors”. Aggravating factors include: death, an attempt to kill, kidnapping or an attempt to kidnap, aggravated sexual abuse, serious bodily injury, and transportation of individuals under inhumane conditions.

Title X includes the text of H.R. 3618, the “Clean Hull Act of 2009”, which passed the House on November 17, 2009. This title aligns U.S. law with the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001 by prohibiting the sale, distribution, or manufacture of organotin or antifouling systems containing organotin. Organotin is a chemical used to inhibit the growth of marine organisms on the hulls of vessels and certain marine structures.

Title X also prohibits vessels, regardless of when the anti-fouling system was applied, from using an anti-fouling system containing organotin, establishes penalties for violation, and establishes the Secretary of the department in which the Coast Guard is operating and the Administrator of the Environmental Protection Agency as administrators and enforcers of this new law.
This law imposes new security and safety requirements on cruise ships that carry at least 250 passengers and call on a port in the United States except as part of a coastwise voyage.

Public Law 111–207 contains a number of provisions that will enhance the safety and security of passengers on board cruise vessels. This law requires that, beginning 18 months after the date of enactment of the Act, each vessel to which the section applies must comply with specific design and construction standards. The vessels must have rails located not less than 42 inches above the cabin deck, and must have passenger staterooms and crew cabins equipped with peep holes or other means for visual identification. To the extent that it is available, the vessels must integrate technology that can detect when passengers have fallen overboard. The vessel must also be equipped with operable acoustic hailing or warning devices to provide communication capability around the entire vessel when it is operating in high risk waters, as defined by the Coast Guard. Beginning on the date of enactment of the Act (July 27, 2010), any vessel the keel of which is laid after that date must equip passenger staterooms and cabins with security latches and time-sensitive key technologies.

To help combat crime aboard cruise vessels, this law also requires that the owner of a vessel maintain a video surveillance system to assist in documenting crimes on the vessel and to provide evidence for the prosecution of such crimes. In addition, the law requires owners of vessels to employ physicians meeting certain professional qualifications and to maintain on the vessel adequate, in-date supplies of anti-retroviral medications and other medications designed to prevent the transmission of sexually transmitted diseases after a sexual assault, as well as equipment and materials for performing medical examinations in sexual assault cases. The law also requires the owner of a vessel to record in a log book, either electronically or otherwise, reports on specified complaints.

In addition, the law requires the owner of a vessel or the owner’s designee to contact the nearest Federal Bureau of Investigation (FBI) Field Office or Legal Attaché by telephone as soon as possible after the occurrence on board the vessel of an incident involving homicide, suspicious death, a missing U.S. national, kidnapping, assault with serious bodily injury, any offense to which 18 U.S.C. §§ 2241, 2242, 2243, or 2244(a), or (c) applies, firing or tampering with the vessel, or theft of money or property in excess of $10,000 to report the incident.

The Secretary of Transportation is required to maintain a statistical compilation of certain incidents on an Internet site that provides a numerical accounting of the missing persons and alleged crimes recorded in each report that are no longer under investigation. The data shall be updated no less frequently than quarterly.
and aggregated by cruise line (and each cruise line shall be identified by name), and by whether the crime was committed by a passenger or a crew member. Each cruise line taking on or discharging passengers in the United States shall include a link on its Internet website to the website maintained by the Secretary of Transportation.

**TO MAKE TECHNICAL CORRECTIONS TO PROVISIONS OF LAW ENACTED BY THE COAST GUARD AUTHORIZATION ACT OF 2010**

Public Law 111–330
(H.R. 6516)
December 22, 2010


**DIRECTING THE CLERK OF THE HOUSE OF REPRESENTATIVES TO MAKE A TECHNICAL CORRECTION IN THE ENROLLMENT OF H.R. 3360**
(H. Con. Res. 289)
July 12, 2010


**TO COMMEND THE AMERICAN SAIL TRAINING ASSOCIATION FOR ITS ADVANCEMENT OF CHARACTER BUILDING UNDER SAIL AND FOR ITS ADVANCEMENT OF INTERNATIONAL GOODWILL**
(H. Res. 197)
April 14, 2010

H. Res. 197 commends the American Sail Training Association (ASTA) for its work to advance character building under sail and for its advancement of international good will, and commends ASTA for its advancement of character building experiences for youth at sea in traditionally rigged sailing vessels and its advancement of the finest traditions of the sea.

H. Res. 197 also commends ASTA as the national sail training association of the United States, representing the sail training community of the United States in the international forum.
RECOGNIZING THE NUMEROUS CONTRIBUTIONS OF THE RECREATIONAL BOATING COMMUNITY AND THE BOATING INDUSTRY TO THE CONTINUING PROSPERITY AND AFFLUENCE OF THE UNITED STATES

(H. Res. 410)

June 9, 2009

H. Res. 410 recognizes the contributions of the recreational boating industry and the boating community to the United States. This resolution also acknowledges that the 59 million individuals who boat generate more than $33 billion for the U.S. economy, and provide jobs for 337,000 Americans. This resolution recognizes that the 1,400 active boat builders in the United States use materials and services from all 50 states. Recreational boating activities provide opportunities for families to be together, and have a beneficial effect on scholastic performance and physical fitness of those who participate. Finally, H. Res. 410 urges the President to issue a proclamation declaring July 1, 2009, as National Boating Day.


(H. Res. 891)

November 17, 2009

H. Res. 891 expresses the gratitude of the House of Representatives for the service to our nation of the Coast Guard and Marine Corps aircraft pilots and crewmembers lost off the coast of California on October 29, 2009.

H. Res. 891 recognizes the crew members of the Coast Guard C–130 that are missing and presumed to have lost their lives in the line of duty: Lt. Cmdr. Che J. Barnes; Lt. Adam W. Bryant; Chief Petty Officer John F. Seidman; Petty Officer 2nd Class Carl P. Grigonis; Petty Officer 2nd Class Monica L. Beacham; Petty Officer 2nd Class Jason S. Moletzsky; and Petty Officer 3rd Class Danny R. Kreder II.

H. Res. 891 also recognizes the crew members of the Marine Corps helicopter that are missing and presumed to have lost their lives in the line of duty: Maj. Samuel Leigh and 1st Lt. Thomas Claiborne.

RECOGNIZING THE COAST GUARD GROUP ASTORIA'S MORE THAN 60 YEARS OF SERVICE TO THE PACIFIC NORTHWEST, AND FOR OTHER PURPOSES

(H. Res. 1062)

April 15, 2010

H. Res. 1062 recognizes the Coast Guard Group Astoria’s more than 60 years of service to the Pacific Northwest, and honors the
brave men and women of Coast Guard Group Astoria who risk their lives daily to ensure the safety and security of the people of the Pacific Northwest.

H. Res. 1062 directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to Coast Guard Group Astoria for appropriate display.

**Economic Development, Public Buildings, and Emergency Management**

**PREDISASTER HAZARD MITIGATION ACT OF 2010**

Public Law 111–___

(H.R. 1746)

January 2011

This law reauthorizes the Pre-Disaster Mitigation (PDM) program for three years at the following levels: $180 million in fiscal year 2011 and $200 million per year in each of fiscal years 2012 and 2013. The law also increases the minimum amount that each state receives under the program from $500,000 to $575,000, and prohibits the provision of assistance under the PDM program through congressionally-directed spending.

**FEDERAL BUILDINGS PERSONNEL TRAINING ACT OF 2010**

Public Law 111–308

(S. 3250)

December 14, 2010

The Federal Buildings Personnel Training Act of 2010 (P.L. 111–308) authorizes the Administrator of General Services, in consultation with others, to establish core competencies relating to buildings operation and maintenance, energy management, sustainability, building performance, and other matters for Federal personnel and contract employees performing buildings operations functions in Federal buildings. The law establishes core competencies for Federal employees and contract personnel working in certain building operations and maintenance disciplines to ensure that Federal buildings perform and are maintained in accordance with industry best practices. The law will ensure that Federal buildings and components are maximally productive and properly maintained to achieve the highest possible return on investment over the infrastructure’s projected operating life.
SMITHSONIAN INSTITUTION FACILITIES AUTHORIZATION ACT OF 2009

Public Law 111–11

(Title XV)

(H.R. 608)

March 30, 2009

This law 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; to construct laboratory space to accommodate the terrestrial research program of the Smithsonian Tropical Research Institute in Gamboa, Panama; and to construct a greenhouse facility at its museum support facility in Suitland, Maryland.

TO AUTHORIZE THE ADMINISTRATOR OF GENERAL SERVICES TO CONVEY A PARCEL OF REAL PROPERTY IN GALVESTON, TEXAS, TO THE GALVESTON HISTORICAL FOUNDATION

Public Law 111–76

(H.R. 2121)

October 19, 2009

This law authorizes the Administrator of General Services, no later than 90 days after the date of enactment of the Act, to convey, by quitclaim deed, a parcel of real property located at 502 20th Street in Galveston, Texas, to the Galveston Historical Foundation, subject to certain requirements. All proceeds derived from the sale of the parcel of real property located at 502 20th Street in Galveston, Texas, is required to be deposited in the Federal Building Fund.

The parcel of real property located at 502 20th Street is the 1861 U.S. Custom House. It is one of the oldest buildings in Galveston, Texas, and was added to the National Register of Historic Places in 1970. The Galveston Historical Foundation was incorporated in 1954, and has since cultivated its work to cover community redevelopment, public education, historic preservation advocacy, maritime preservation, and stewardship of historic properties on Galveston Island. To date, the Galveston Historical Foundation has more than 2,000 members and has twice been awarded the National Trust for Historic Preservation’s Honor Award.

In 1998, the General Services Administration and the Galveston Historical Foundation entered into a long-term lease agreement with respect to the 1861 U.S. Custom House. In exchange for the Galveston Historical Society rehabilitating the historical building, it was granted a long-term lease. This law allows the Galveston Historical Society to purchase the building outright.
DIRECTS THE ADMINISTRATOR OF GENERAL SERVICES TO CONVEY A PARCEL OF REAL PROPERTY IN HOUSTON, TEXAS, TO THE MILITARY MUSEUM OF TEXAS

Public Law 111–____
(H.R. 6510)
January 2011

This law directs the Administrator of General Services to sell a 3.6-acre parcel of land improved with a 20,000 square foot light-industrial building to the current tenant, the Military Museum of Texas, for the fair value of the property in its current use. The Military Museum of Texas is a non-profit 501(c)(3) organization founded in 1992, with an all-volunteer staff. The Museum has been operating on the property since 2004, paying a nominal rent. The legislation further directs the General Services Administration to convey the property with a restrictive covenant requiring that the property’s current use continue for a period of 30 years, and in the event that the Military Museum seeks to abrogate this use, it is then required to seek prior permission of the Administrator and pay to the United States the value of the property in its highest and best use.

AUTHORIZES THE SECRETARY OF AGRICULTURE TO CONVEY TO THE CITY OF BOUNTIFUL, UTAH, CERTAIN FEDERAL LAND

Public Law 111–11
(Title III, Subtitle D, section 3307)
(H.R. 604)
March 30, 2009

This law authorizes the Secretary of Agriculture to exchange certain Federal land identified as Shooting Range Special Use Permit Area on the map, entitled “Bountiful City Land Consolidation Act”, dated October 15, 2007, if the city of Bountiful, Utah conveys three parcels of land consisting of a total of approximately 1,680 acres to the Secretary of Agriculture.

TO DESIGNATE THE UNITED STATES COURTHOUSE UNDER CONSTRUCTION AT 327 SOUTH CHURCH STREET, ROCKFORD, ILLINOIS, AS THE “STANLEY J. ROSZKOWSKI UNITED STATES COURTHOUSE”

Public Law 111–14
(S. 520)
April 23, 2009

This law designates the United States courthouse under construction at 327 South Church Street, Rockford, Illinois, as the “Stanley J. Roszkowski United States Courthouse.”

Stanley Roszkowski was born on January 22, 1923, and was raised in Royalton, Illinois. He was one of 15 children. He served
a decorated tour in World War II as a nose gunner on a B26 bomber. After his discharge from the United States Air Force, he enrolled at the University of Illinois where he received his Bachelor of Science degree in 1949 and his Juris Doctor in 1954. He then opened up a successful law practice in Rockford.

Stanley Roszkowski was appointed judge for the United States District Court for the Northern District of Illinois on October 11, 1977. He took senior status on January 9, 1991, and retired in January 1998 after serving for more than 20 years.

Judge Roszkowski was instrumental in having the courthouse constructed in Rockford, Illinois.

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”

Public Law 111–34

(H.R. 813)

June 30, 2009

This law designates the Federal building and United States courthouse located 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 and continued in his chosen field for over five decades. 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 Alhemarle Hospital, and the American Red Cross. He has received numerous awards and honors from the Jaycees, the Boy Scouts, Volunteer Fireman, the Chamber of Commerce, and the Rotary and Elks clubs.

Further, Judge Small served his country during World War II in the U.S. Navy.

Judge Small is an outstanding mentor and volunteer. For over five decades, he has been an exceptional jurist, and civic leader.
TO DESIGNATE THE FEDERAL BUILDING LOCATED AT 799 UNITED NATIONS PLAZA IN NEW YORK, NEW YORK, AS THE “RONALD H. BROWN UNITED STATES MISSION TO THE UNITED NATIONS BUILDING”

Public Law 111–35
(H.R. 837)
June 30, 2009

This law designates the Federal building at 799 United Nations Plaza 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. His early school days were spent at Hunter College Elementary School, a public school on Manhattan’s East Side. He subsequently attended high school at White Plains High School and the Rhodes School in Manhattan. 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. After serving in the Army, he 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. In 1988, he was elected Chairman of the Democratic National Committee. From 1989 to 1992, he served as Chairman and used his skills as a negotiator and pragmatic bridge builder to help reunite the Democratic Party, after its candidate was defeated in the 1988 presidential election.

In 1993, President William J. Clinton appointed Ronald H. Brown as Secretary of Commerce. During his tenure, Secretary Brown effectively utilized and expanded the role of the U.S. Department of Commerce. Secretary Brown was known for his amiable political style and his deft skill in negotiations and, as Secretary, he used these qualities effectively to promote U.S. trade, expand foreign markets for American businesses, and spur domestic job growth and economic development.

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. The Department of State had requested that Secretary Brown personally undertake the trade mission to highlight and find opportunities for U.S. businesses to boost economic reconstruction of the war torn region of former Yugoslavia. The trip itinerary included stops in Zagreb, the capital of Croatia; visiting American troops in Tuzla, Bosnia-Herzegovina; and Sarajevo, the capital of Bosnia. The trade mission was on its way to Dubrovnik, Croatia, when the plane crashed on the coast of the Adriatic Sea.
Throughout his life, Secretary Brown broke many barriers. He was the first African-American to serve as Secretary of Commerce and the first African-American Chairman of a national political party.

TO DESIGNATE THE FEDERALLY OCCUPIED BUILDING LOCATED AT MCKINLEY AVENUE AND THIRD STREET, SW., CANTON, OHIO, AS THE “RALPH REGULA FEDERAL BUILDING AND US COURTHOUSE”

Public Law 111–74
(H.R. 1687)
October 19, 2009

This law designates the Federally-occupied building located at McKinley Avenue and Third Street, SW., Canton, Ohio, as the “Ralph Regula Federal Building and United States Courthouse”. Representative Ralph Regula represented Ohio’s 16th Congressional District from January 3, 1973, to January 3, 2009. Ralph Strauss Regula was born in Beach City, Ohio, on December 3, 1924. After high school, Representative Regula served in the United States Navy during World War II. Regula later went on to earn a Bachelor of Arts degree from Mount Union College in 1948, and then graduated from the William McKinley School of Law in Canton, Ohio in 1952.

Representative Regula served in many different capacities during his long tenure in public service. He was a member of the Ohio state board of education from 1960–1964, and was then elected to the Ohio state House of Representatives from 1965–1967 and subsequently served in the Ohio state Senate from 1967–1972. Regula was then elected to the U.S. House of Representatives in the 93rd Congress, and served for 36 years.

Representative Regula, one of the longest serving Republican members of Congress, retired at the end of the 110th Congress after a career of nearly 50 years of public service. He is married to Mary Regula, and has three children and four grandchildren.

TO DESIGNATE THE UNITED STATES COURTHOUSE LOCATED AT 525 MAGOFFIN AVENUE IN EL PASO, TEXAS, AS THE “ALBERT ARMENDARIZ, SR., UNITED STATES COURTHOUSE”

Public Law 111–75
(H.R. 2053)
October 19, 2009

This law designates the United States courthouse located at 525 Magoffin Avenue in El Paso, Texas, as the “Albert Armendariz, Sr., United States Courthouse”. Judge Albert Armendariz, Sr., had a long and distinguished career of public service. Albert Armendariz was born on August 11, 1919, in El Paso, Texas. After graduating from high school in 1934, Judge Armendariz joined the United States Army and served in World War II. After he left the U.S. Army, Armendariz used the GI Bill to continue his education. He
later graduated from the University of Texas at El Paso and then the University of Southern California (USC) Law School, where he was the only Mexican-American in attendance. After graduating from the USC law school in 1950, Judge Armendariz returned to El Paso, Texas.

Early in his career Judge Armendariz tackled discrimination head on while serving on the El Paso Civil Service Commission, pushing the agency to end discrimination against Latino applicants for civil service positions. Perhaps his most lasting legacy will be his work on Hernandez v. The State of Texas, which established Latinos as a class entitled to protection under the 14th amendment of the U.S. Constitution.

From 1976 to 1985, he was an immigration judge (special inquiry officer) with the U.S. Department of Justice and was appointed to, and served on, the Texas Court of Appeals from July 2, 1986, until November 30, 1986.

In addition to his service in government, Judge Armendariz also found time to serve in leadership positions in influential civic organizations. Judge Armendariz served as National President of the League of United Latin American Citizens during the 1950s and fought school segregation and discrimination. Judge Armendariz also helped to form the influential Mexican American Legal Defense & Education Fund in 1968. Judge Armendariz had a never-ending passion for service to his community, and practiced law until his death at age 88 on October 4, 2007.

TO DESIGNATE THE FEDERAL BUILDING LOCATED AT 844 NORTH RUSH STREET IN CHICAGO, ILLINOIS, AS THE “WILLIAM O. LIPINSKI FEDERAL BUILDING”

Public Law 111–77
(H.R. 2498)
October 19, 2009

This law designates the Federal building located at 844 North Rush Street in Chicago, Illinois, as the “William O. Lipinski Federal Building”. Former Representative William O. Lipinski was a leader on transportation issues while he represented the 3rd and 5th Congressional Districts of Illinois. Representative Lipinski was born in Chicago on December 22, 1937. He attended Loras College in Dubuque, Iowa, and served in the United States Army Reserves from 1961 to 1967.

After serving in the armed forces, Representative Lipinski held several different public service positions in Chicago, Illinois, including working at the Chicago Park District for over 17 years.

He was an Alderman in Chicago, a city councilman, and held several different positions within the Democratic Party in Chicago. Representative Lipinski was elected to Congress in 1982, and served until 2005.

Representative Lipinski was a leader on the Committee on Transportation and Infrastructure throughout his tenure in Congress. He served as the senior Democrat on the Subcommittee on Railroads, the Subcommittee on Aviation, and the Subcommittee on
Highways and Transit. He strongly advocated for transportation and connectivity issues in his district, whether it was providing a local airport with access for financing for infrastructure improvement or providing public transit options to areas in his Congressional district that lacked access. Representative Lipinski also played a large role in national transportation policy by taking leadership roles in the past two transportation authorization bills that provided funding for local priorities in highways, highway safety, public transit, and surface transportation programs.

Representative William O. Lipinski retired in 2005, and was succeeded by his son, Representative Daniel Lipinski.

To Designate the United States Courthouse Located at 301 Simonton Street in Key West, Florida, as the “Sidney M. Aronovitz United States Courthouse”

Public Law 111–78
(H.R. 2913)
October 19, 2009

This law designates the United States courthouse located at 301 Simonton Street in Key West, Florida, as the “Sidney M. Aronovitz United States Courthouse”. Judge Sidney M. Aronovitz served as a U.S. District Court Judge for the Southern District of Florida for 21 years. Aronovitz was born in Key West, Florida, on June 20, 1920. After graduating from Key West High School in 1937, he attended the University of Florida where he was awarded a Bachelor of Arts degree in 1942, and a law degree, with honors, in 1943. Aronovitz went on to serve as a U.S. Army Captain from 1943–1946, earning multiple distinctions, including a Bronze Star.

Between 1943 and 1976, Aronovitz served as a lawyer in private practice in Miami, Florida. He also served as a City Commissioner from 1962 to 1966, holding the position of Vice-Mayor in 1965. In 1976, President Gerald Ford nominated Sidney M. Aronovitz to serve as a U.S. District Court Judge for the Southern District of Florida.

Judge Aronovitz was commissioned on September 21, 1976, and served as a U.S. District Court Judge until his death in 1997. In addition, he periodically sat on the U.S. Court of Appeals, 11th Circuit, and served on the U.S. Foreign Intelligence Surveillance Court from 1988 to 1992. During his time on the bench, Judge Aronovitz presided over some of Miami’s most colorful and complex cases.

Outside of the courtroom, Judge Aronovitz helped form numerous educational, religious, and health organizations in Dade County, Florida. The Judge Sidney M. Aronovitz Memorial Scholarship was formed in his honor, and is awarded yearly to minority students in Southern Florida wishing to continue their education.
TO DESIGNATE THE UNITED STATES DEPARTMENT OF THE INTERIOR BUILDING IN WASHINGTON, DISTRICT OF COLUMBIA, AS THE “STEWART LEE UDALL DEPARTMENT OF THE INTERIOR BUILDING”

Public Law 111–176
(H.R. 5128)
June 8, 2010

This law designates the United States Department of the Interior Building located at 1849 C Street, Northwest, in Washington, District of Columbia, as the “Stewart Lee Udall Department of the Interior Building”. Stewart Lee Udall was born in St. Johns, Arizona, on January 31, 1920. He is the son of Levi S. Udall, former Arizona Supreme Court Justice, and Louise Lee Udall. He attended the University of Arizona, during which he spent two years as a Mormon missionary. During World War II, Stewart L. Udall served as a gunner in the United States Air Force in the European theater. Upon returning to the University of Arizona after his military service, he received his law degree in 1948. Two years after graduation, Stewart L. Udall opened a law firm in Tucson, Arizona, with his brother Morris, who would later serve as a Member of Congress.

Stewart L. Udall was elected to the U.S. House of Representatives and served on the Committee on Interior and Insular Affairs (1955–1960) and the Committee on Education and Labor (1955–1960).

President John F. Kennedy appointed Representative Udall as Secretary of the Interior and he served in that position for nine years (1961–1969). Secretary Udall’s leadership at the Department of the Interior was instrumental in crafting the Wilderness Act, the Wild and Scenic Rivers Act, and in the creation of the Land and Water Conservation Fund. His leadership also led to the expansion of the National Park system to include four new national parks, six new national monuments, eight seashores and lakeshores, nine recreation areas, 20 historic sites, and 56 wildlife refuges. Secretary Udall was also instrumental in the passage of the National Historic Preservation Act of 1966, the most far-reaching preservation legislation ever enacted in the United States. He also helped create and shape the National Register of Historic Places, the Advisory Council on Historic Preservation, and the Historic Preservation Fund. This framework supports nearly every aspect of historic preservation today. After leaving government service, Secretary Udall continued to contribute to the nation’s environmental affairs as an author, historian, teacher, naturalist, and ambassador for the great outdoors.
TO DESIGNATE THE ANNEX BUILDING UNDER CONSTRUCTION FOR THE ELBERT P. TUTTLE UNITED STATES COURT OF APPEALS BUILDING IN ATLANTA, GEORGIA, AS THE "JOHN C. GODBOLD FEDERAL BUILDING"

Public Law 111–234
(H.R. 4275)
August 16, 2010

This law designates the annex building under construction for the Elbert P. Tuttle United States Court of Appeals Building at 56 Forsyth Street in Atlanta, Georgia, as the “John C. Godbold Federal Building.” John C. Godbold was born in 1920, in Coyt, Alabama. He received a Bachelor of Science degree from Auburn University in 1940 and attended Harvard Law School. His study of law was put on hiatus to serve in the armed forces during World War II. Following his service, Godbold graduated from Harvard Law School in 1948 and entered into private practice in Montgomery, Alabama. In 1966, Godbold was appointed to the U.S. Court of Appeals for the 5th Circuit by President Lyndon B. Johnson. In 1981, he was appointed Chief Judge of the 5th Circuit. After creation of the U.S. Court of Appeals for the 11th Circuit in 1981, Godbold was appointed Chief Judge of the 11th Circuit. He is the only judge to act as Chief Judge of two Federal circuits. Beginning in 1987, he served as director of the Federal Judicial Center for three years before returning to the 11th Circuit for the remainder of his life.

Judge Godbold received the 1996 Edward J. Devitt Distinguished Service to Justice Award and honorary doctorate degrees from Sanford, Auburn, and Stetson Universities in 1981, 1988, and 1994, respectively. His article, Twenty Pages and Twenty Minutes—Effective Advocacy on Appeal, is widely read in American jurisprudence.

Judge Godbold passed away on December 22, 2009.

TO DESIGNATE THE FEDERALLY OCCUPIED BUILDING LOCATED AT 1220 E CHELON PARKWAY IN JACKSON, MISSISSIPPI, AS THE "JAMES CHANEY, ANDREW GOODMAN, MICHAEL SCHWERNER, AND ROY K. MOORE FEDERAL BUILDING"

Public Law 111–243
(H.R. 3562)
September 30, 2010

This law designates the Federally-occupied building located at 1220 Echelon Parkway in Jackson, Mississippi, as the “James Chaney, Andrew Goodman, Michael Schwerner, and Roy K. Moore Federal Building”.

James Chaney, Andrew Goodman, and Michael Schwerner were civil rights activists that were lynched and murdered during the Freedom Summer of 1964. These three activists were in Mississippi during the summer of 1964 after a week-long training on strategies for organizing African-Americans in Mississippi to vote. On June
21, 1964, Chaney, Goodman, and Schwerner drove to Longdale, Mississippi to visit the site of a burned church in Neshoba County.

The three activists were arrested by the Neshoba County police as they were leaving the site of the burned church and held by the police for several hours. Later, they were released only to be re-arrested shortly thereafter. After the second arrest, a Neshoba County police officer turned the three civil rights activists over to local members of the Ku Klux Klan. All three activists were murdered, and their bodies were buried in an earthen dam outside of Philadelphia, Mississippi. These events sparked a national uproar and led the Federal Government to call up the state's National Guard and U.S. Navy to search for the three men. The Federal Bureau of Investigation (FBI) flooded the state with 150 FBI Special Agents in an attempt to solve the crime and, for the first time, an FBI office was established in the State of Mississippi. The bodies of these three civil rights activists were found 44 days later buried in an earthen dam near Philadelphia, Mississippi. The FBI eventually arrested and charged eighteen suspects of which seven were eventually sentenced. None served more than six years for the crime. Over 35 years later, in 2005, the case was reopened and Edgar Ray Killen was charged and convicted of manslaughter.

FBI Agent Roy Moore was personally picked by FBI Director J. Edgar Hoover to lead the investigation into the deaths of these young men. Agent Moore said the FBI would be there until it broke the back of the Ku Klux Klan, reestablished the rule of law at the local level, and enforced the Civil Rights Act of 1964.

The murder of Chaney, Goodman, and Schwerner proved to be a tipping point during the civil rights era that focused the nation's interest on racial discrimination and intimidation in Mississippi and helped to strengthen the nation's resolve for equal rights for all Americans. The law is all the more significant since it names the Jackson, Mississippi FBI field office, which was created at the behest of President Lyndon B. Johnson as a result of this horrific crime. These young men died in service to their country on a mission to demand that all Americans enjoy the same rights in our democracy.

**Designates the Federal Building Located at 100 North Palafox Street in Pensacola, Florida, as the “Winston E. Arnow Federal Building”**

Public Law 111–297

(H.R. 4387)

December 14, 2010

H.R. 4387 designates the Federal building located at 100 North Palafox Street in Pensacola, Florida, as the “Winston E. Arnow Federal Building”. Pursuant to P.L. 108–288, the building is currently named the “Winston E. Arnow United States Courthouse”. H.R. 4387 re-designates the building as a Federal building because there is a U.S. courthouse across the street from the Arnow building and the judiciary maintains that having two adjacent buildings...
designated as courthouses is confusing to jurors, litigants, and others.

Winston Eugene Arnow was born in Micancopy, Florida, in 1911. He attended the University of Florida and graduated with a degree in Business Administration in 1932, and later earned a law degree in 1933.

Mr. Arnow began his career in private practice, but took a hiatus to serve in the U.S. Army during World War II as a major and a member of JAG Corps. He later returned to private practice and served as a municipal judge before President Lyndon B. Johnson appointed him as a U.S. District Judge. Judge Arnow served as the Chief Judge of the Northern District of Florida, stretching from Pensacola to Gainesville, from 1969 until 1981. Judge Arnow assumed senior status in 1981 and continued his work on the Federal bench until his death in 1994.

Judicial authorities and officials viewed Judge Arnow as "all integrity"; he ignored criticism by doing what he thought was the right and proper thing to do to protect civil liberties. His name is now synonymous with the momentous civil rights period from 1969 to 1978 in northwest Florida, because he followed the U.S. Supreme Court mandates to ensure public school desegregation and improved prison conditions in the Escambia County jail. Judge Arnow ordered the Escambia school district desegregated in 1969 and in 1978 he was responsible for drawing up a special electoral district to ensure that the County Commission would have at least one black member. In 1972, Judge Arnow's decision regarding the Naval Live Oaks Reservations ended a long controversial dispute over ownership when he declared the historic woodland in the Gulf to be owned by the citizens of the United States. Judge Arnow also presided over the nationally spotlighted trial of the Gainesville Eight.

To Designate the Federal Building and U.S. Courthouse Located at 515 9th Street in Rapid City, South Dakota, as the "Andrew W. Bogue Federal Building and United States Courthouse"

Public Law 111–298
(H.R. 5651)
December 14, 2010

This law designates the Federal building and U.S. courthouse located at 515 9th Street in Rapid City, South Dakota, as the "Andrew W. Bogue Federal Building and United States Courthouse".

Andrew Bogue was born on May 23, 1919, in Yankton, South Dakota. After graduating from State College in Brookings, South Dakota, Mr. Bogue served in the U.S. Army Signal Corps during World War II. Upon completion of his service, he attended and graduated from the University of South Dakota Law School in 1947. He went into private practice for several years before returning to the U.S. Army for service in the JAG Corps. After being discharged, he served on the South Dakota Cement Commission from 1957 until 1966. In 1967, Judge Bogue was elected a State court
judge to the Second Judicial Circuit, where he sat for three years until his appointment as a Federal judge.

Judge Andrew Bogue was nominated to the Federal bench by President Richard Nixon in 1970 and served for 15 years as an active district Federal judge before taking on senior status in 1985. Judge Bogue served as Chief Judge from 1980 to 1985. Even after taking on senior status, Judge Bogue continued to hear cases up until a few months before his death on June 10, 2009.

TO DESIGNATE THE BUILDING OCCUPIED BY THE GOVERNMENT PRINTING OFFICE LOCATED AT 31451 EAST UNITED AVENUE IN PUEBLO, COLORADO, AS THE “FRANK EVANS GOVERNMENT PRINTING OFFICE BUILDING”

Public Law 111–299

(H.R. 5706)

December 14, 2010

This law designates the building occupied by the Government Printing Office (GPO) located at 31451 East United Avenue in Pueblo, Colorado, as the “Frank Evans Government Printing Office Building”.

Frank Edward Evans was born on September 6, 1923, in Pueblo, Colorado. He went to school in Colorado Springs before attending Pomona College in 1941. He disrupted his studies to serve as a U.S. Navy pilot during World War II. After completion of his service, Mr. Evans attended the University of Denver, graduating with a bachelor’s degree, and then received his law degree in 1950. After graduating from law school, Evans went into private practice in Pueblo, Colorado, and was elected to the Colorado State House of Representatives in 1960. In 1964, Evans was elected to the U.S. House of Representatives, where he served Colorado’s 3rd Congressional District for seven terms until his retirement in 1978. Representative Evans is credited with bringing the Government Printing Office Distribution Center to Pueblo, Colorado. Representative Frank Edwards Evans died on June 8, 2010.

TO DESIGNATE THE FEDERAL BUILDING LOCATED AT 6401 SECURITY BOULEVARD IN BALTIMORE, MARYLAND, COMMONLY KNOWN AS THE SOCIAL SECURITY ADMINISTRATION OPERATIONS BUILDING, AS THE “ROBERT M. BALL FEDERAL BUILDING”

Public Law 111–301

(H.R. 5773)

December 14, 2010

This law designates the Federal building located at 6401 Security Boulevard in Baltimore, Maryland, commonly known as the Social Security Administration Operations Building, as the “Robert M. Ball Federal Building”.

Commissioner Robert M. Ball was the longest-serving head of the Social Security Administration (SSA) and one its staunchest sup-
porters throughout the Administration’s long history. Commissioner Ball was often described in press accounts as not only the longest-serving Social Security Commissioner, but also as chief advocate and defender of the SSA through the years. Commissioner Ball joined the SSA just four years after it was created by President Franklin D. Roosevelt.

Robert M. Ball was born in New York, New York, on March 28, 1914. He graduated from Wesleyan University in 1935 with a Bachelor of Arts in English and in 1936 obtained a Masters degree in Economics. Commissioner Ball got his start with the SSA as a field assistant in New Jersey in 1939. He then began his rise through the ranks at SSA by helping to implement the disability insurance program beginning in 1956, orchestrating the developments that produced the 1972 amendments to link benefits to inflation, and helping to develop and implement Medicare. From 1947 to 1948, he served as Staff Director for the Senate Finance Committee’s Advisory Council. After his time on Capitol Hill, Commissioner Ball returned to the SSA and served in several positions before he was appointed as Commissioner by President John F. Kennedy in 1962.

Commissioner Ball went on to be appointed as Commissioner under President Lyndon B. Johnson twice and later served under President Richard M. Nixon. After Commissioner Ball left the SSA, he continued to have a significant role in shaping the program. In 1981, he served as a Member of the National Commission on Social Security Reform, arguing for a mix of tax increases and benefit cuts to maintain the viability of the Social Security trust fund. Commissioner Ball remained an outspoken opponent of any attempts to dismantle Social Security or privatize Social Security throughout the 1990s. One historian described Commissioner Ball as “the major non-Congressional player in the history of Social Security in the period between 1950 and the present.” Commissioner Robert M. Ball died on January 29, 2008, and is survived by his wife of 71 years, Doris McCord Ball.

**AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR THE GREATER WASHINGTON SOAP BOX DERBY**

(H. Con. Res. 37)

March 12, 2009

H. Con. Res. 37 authorizes the use of the Capitol grounds for the Greater Washington Soap Box Derby.

**AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR THE NATIONAL PEACE OFFICERS’ MEMORIAL SERVICE**

(H. Con. Res. 38)

May 12, 2009

H. Con. Res. 38 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. 39)
March 17, 2009


AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR AN EVENT TO HONOR MILITARY PERSONNEL WHO HAVE DIED IN SERVICE TO THE UNITED STATES AND TO ACKNOWLEDGE THE SACRIFICE OF THE FAMILIES OF THOSE INDIVIDUALS AS PART OF THE NATIONAL WEEKEND OF REMEMBRANCE

(H. Con. Res. 171)
August 5, 2009

H. Con. Res. 171 permits the White House Commission on Remembrance to sponsor a free public event on the Capitol grounds on September 26, 2009, to honor military personnel who have died in service to the United States, and to acknowledge the sacrifice of their families as part of the National Weekend of Remembrance.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR THE GREATER WASHINGTON SOAP BOX DERBY

(H. Con. Res. 247)
May 7, 2010


AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR THE DISTRICT OF COLUMBIA SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN

(H. Con. Res. 263)
May 7, 2010


AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR THE NATIONAL PEACE OFFICERS’ MEMORIAL SERVICE

(H. Con. Res. 264)
April 29, 2010

H. Con. Res. 264 permits the Grand Lodge of the Fraternal Order of Police and its auxiliary to sponsor a free public event, the 29th annual National Peace Officers’ Memorial Service, on the Cap-
itol grounds on May 15, 2010, to honor the law enforcement officers who died in the line of duty during 2009.

COMMENDING THE HEROIC EFFORTS OF THE PEOPLE FIGHTING THE FLOODS IN NORTH DAKOTA AND MINNESOTA

(H. Res. 415)

May 12, 2009

H. Res. 415 commends the heroic efforts of the people fighting the floods in North Dakota and Minnesota.

EXPRESSING CONDOLENCES TO THE FAMILIES OF THE INDIVIDUALS KILLED DURING UNUSUAL STORMS AND FLOODS IN THE STATE OF GEORGIA BETWEEN SEPTEMBER 18 AND 21, 2009, AND EXPRESSING GRATITUDE TO ALL OF THE EMERGENCY PERSONNEL WHO CONTINUE TO WORK WITH UNYIELDING DETERMINATION TO MEET THE NEEDS OF GEORGIA’S RESIDENTS

(H. Res. 765)

September 23, 2009

H. Res. 765 extends condolences to the families of those who lost their lives, and to families who lost their homes and other property, in the floods in Georgia. In addition, H. Res. 765 thanks the people of Georgia and the surrounding states who continued to work to protect people from the floodwaters, and expresses support for Federal Emergency Management Agency (FEMA) efforts to respond to needs of affected citizens and communities. It also honors the emergency responders for their bravery and sacrifice.

HONORING THE HEROISM OF THE SEVEN UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, OFFICE OF U.S. FOREIGN DISASTER ASSISTANCE, AND FEDERAL EMERGENCY MANAGEMENT AGENCY SUPPORTED URBAN SEARCH AND RESCUE TEAMS DEPLOYED TO HAITI FROM NEW YORK CITY, NEW YORK, FAIRFAX COUNTY, VIRGINIA, LOS ANGELES COUNTY, CALIFORNIA, THE CITY OF MIAMI, FLORIDA, MIAMI-DADE COUNTY, FLORIDA, AND VIRGINIA BEACH, VIRGINIA, AND COMMENDING THEIR DEDICATION AND ASSISTANCE IN THE AFTERMATH OF THE JANUARY 12, 2010, HAITIAN EARTHQUAKE

(H. Res. 1059)

February 23, 2010

H. Res. 1059 honors the United States Agency for International Development, Office of U.S. Foreign Disaster Assistance, and Federal Emergency Management Agency-supported urban search and rescue teams that were deployed to Haiti in the aftermath of the January 12, 2010, Haitian earthquake.
EXPRESSING THE SYMPATHY AND CONDOLENCES OF THE HOUSE OF REPRESENTATIVES TO THOSE PEOPLE AFFECTED BY THE FLOODING IN TENNESSEE, KENTUCKY, AND MISSISSIPPI IN MAY, 2010

(H. Res. 1337)

May 13, 2010

H. Res. 1337 expresses condolences to the families of those who lost their lives or property as the result of flooding beginning on May 2, 2010, in Tennessee, Kentucky, and Mississippi. In addition, it expresses appreciation to the people of Tennessee and the surrounding States who continue to work to protect people from the floodwaters and aid in recovery efforts and support to FEMA as it continues to respond to needs of the affected communities. Finally, H. Res. 1337 honors the emergency responders across Tennessee for their bravery and sacrifice.

RESOLUTION OBSERVING THE FIFTH ANNIVERSARY OF THE DATE ON WHICH HURRICANE RITA DEVASTATED THE COATS OF LOUISIANA AND TEXAS, AND FOR OTHER PURPOSES

(H. Res. 1583)

September 15, 2010

H. Res. 1583 observes the fifth anniversary of the date on which Hurricane Rita devastated the coasts of Louisiana and Texas, remembers those lost in the storm and in the process of evacuation, recovery, and rebuilding; salutes the dedication of the volunteers who offered assistance in support of those affected by the storm; recognizes the progress of efforts to rebuild the affected Gulf Coast region; commends the persistence of the people of the States of Louisiana and Texas following the second major hurricane to hit the Gulf Coast that season, and reaffirms Congress’ commitment to restore and renew the Gulf Coast region.

Highways and Transit

HIRING INCENTIVES TO RESTORE EMPLOYMENT ACT

Public Law 111–147

(Title IV)

(H.R. 2847)

March 18, 2010

The HIRE Act extends Federal highway, highway safety, public transportation, motor carrier safety, surface transportation research programs and policies authorized by SAFETEA–LU through December 31, 2010. Authorizations for these programs were set to expire on March 28, 2010.
TEMPORARY EXTENSION ACT OF 2010

Public Law 111–144
(H.R. 4691)
March 2, 2010

The Temporary Extension Act of 2010 extended a number of Federal programs, including the Federal highway, highway safety, public transportation, motor carrier safety, surface transportation research programs, and policies authorized by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU). These programs and policies, which had been scheduled to expire on September 29, 2009, were extended through February 28, 2010 by three Continuing Resolutions. The Temporary Extension Act of 2010 extends these programs and policies from the date of enactment through March 28, 2010. Funding for these programs and policies has subsequently been provided through passage of P.L. 111–147, the Hiring Incentives to Restore Employment (HIRE) Act, on March 18, 2010. Currently, these funds will continue through December 31, 2010.

CONTINUING EXTENSION ACT OF 2010

Public Law 111–157
(section 8)
(H.R. 4851)
(See also H.R. 4786)
April 15, 2010

This law includes a provision to compensate Federal employees furloughed as a result of the lapse in expenditure authority from the Highway Trust Fund beginning on February 28, 2010 at midnight and lasting through March 2, 2010. Furloughs affected nearly 2,000 employees at the Federal Highway Administration, the Federal Motor Carrier Safety Administration, the National Highway Traffic Safety Administration and the Research and Innovative Technology Administration that are funded by the Highway Trust Fund.

This law also ratified and approved all actions taken by Federal employees, contractors, and grantees during that period of lapse to: (1) maintain the essential level of government operations, services, and activities to protect life and property; and (2) bring about orderly termination of government functions.
The Surface Transportation Extension Act of 2010, Part II, (STEA of 2010 Part II) extends—through March 4, 2011—the authority for surface transportation programs originally authorized under SAFETEA–LU through September 30, 2009, and subsequently extended through December 31, 2010. Specifically, STEA of 2010 Part II extends all the provisions of SAFETEA–LU (or its extensions) that otherwise would have expired on or ceased to apply after December 31, 2010.

STEA of 2010 Part II continues, through March 4, 2011, to provide funding at fiscal year 2009 levels (as authorized in SAFETEA–LU). This provides, for the period beginning on January 1, 2011, and ending on March 4, 2011, a total of $9.564 billion for highway, highway safety, motor carrier safety, and transit programs, including the following amounts: $7.500 billion for highway programs, $1.839 billion for transit programs, $129 million for highway safety programs, and $96 million for motor carrier safety programs. This funding will allow States and local governments to carry out important capital and operational programs, projects and activities, pending enactment of a multiyear law reauthorizing the Federal surface transportation programs.

As in prior SAFETEA–LU extensions, STEA of 2010 Part II distributes “bonus” formula funds in lieu of additional highway or transit program earmarks. The law provides each State with a pro-rated amount of bonus funding that is equal to the amount that the State received in fiscal year 2009 to carry out the High Priority Projects program, Transportation Improvements, the Maglev program, Highway Bridge Program set-asides, Projects of National and Regional Significance, and the National Corridor Infrastructure Improvement program. Prior extensions distributed each State’s share of these bonus funds among six of the 13 State highway formula programs. STEA of 2010 Part II instead distributes these funds among all 13 programs. The law requires the Federal Highway Administration to administer all bonus funds in the same manner and with the same period of availability as other funding that the States receive under each of these formula programs.

In addition to these provisions, STEA of 2010 Part II extends through August 2012 the SAFETEA–LU-authorized Surface Transportation Project Delivery Pilot Program. This program, which was otherwise scheduled to expire in August 2011, allows five designated States to assume many of the Secretary of Transportation’s responsibilities under the National Environmental Policy Act. Finally, STEA of 2010 Part II grants the Secretary of Transportation authority to implement the results of the future strategic highway research program.
PEDESTRIAN SAFETY ENHANCEMENT ACT OF 2010

Public Law 111–____

(S. 841)

January 2011

This law directs the Secretary of Transportation to study and establish a motor vehicle safety standard that provides a means of alerting blind and other pedestrians of the presence of a motor vehicle operation for otherwise silent vehicles, such as hybrids. The law directs $2 million of the amounts appropriated to the Department under safety belt performance grants to develop and implement the new standards.

SUPPORTING THE GOALS OF MOTORCYCLE SAFETY AWARENESS MONTH

(H. Res. 269)

May 5, 2009

H. Res. 269 expresses 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.

EXPRESSING SUPPORT FOR DESIGNATION OF NOVEMBER 29, 2009 AS "DRIVE SAFER SUNDAY"

(H. Res. 841)

November 17, 2009

H. Res. 841 expresses support for the designation of November 29, 2009 as “Drive Safer Sunday.” This resolution highlights the dangers posed by unsafe driving, including distracted driving, and encourages administrators and teachers at high schools and colleges to launch campus-wide educational campaigns to urge students to be careful about safety when driving. It also encourages national trucking firms to alert their drivers to be especially focused on driving safely during the heaviest traffic day of the year, and to publicize the importance of the day using Citizen's Band radios and in truck stops across the nation. Finally, this resolution urges all Americans to use this as an opportunity to educate themselves about highway safety and the dangers of distracted driving.
Recognizing the Grand Concourse on its 100th Anniversary as the Preeminent Thoroughfare in the Borough of the Bronx and an Important Nexus of Commerce and Culture for the City of New York

(H. Res. 907)

December 8, 2009

H. Res. 907 recognizes the Grand Concourse on its 100th anniversary as the preeminent thoroughfare in the borough of the Bronx, and its roles as an important nexus of commerce and culture for the City of New York. Designed by Louis Aloys Risse and opened in 1909, this tree-lined thoroughfare was first conceived of in 1890 as a means of connecting the borough of Manhattan to the northern Bronx. Over the course of its 100 years, the Grand Concourse has played a long-standing role in defining the Bronx community, and serving as the central north-south artery of the borough. For over four miles, the Grand Concourse is lined by several parks, fountains, and other pedestrian-friendly community treasures.

Recognizing the Florida Keys Scenic Highway on the Occasion of its Designation as an All-American Road by the U.S. Department of Transportation

(H. Res. 917)

March 24, 2010

H. Res. 917 recognizes the Florida Keys Scenic Highway on the occasion of its designation as an All-American Road by the DOT and congratulates those residents of the Florida Keys who participated in the effort to support this designation.

Expressing Support for Designation of April as National Distracted Driving Awareness Month

(H. Res. 1186)

March 23, 2010

H. Res. 1186 expresses support for the designation of April as Distracted Driving Awareness month; encourages all people in the United States to consider the lives of others on the road and avoid distracted driving; and requests the Clerk of the House to transmit a copy of the resolution to FocusDriven, an advocacy group for victims of motor vehicle crashes involving drivers using cell phones.
Railroads, Pipelines, and Hazardous Materials

Supporting the Goals and Ideals of National Train Day

(H. Res. 367)
May 6, 2009

H. Res. 367 recognizes the House of Representatives’ support for National Train Day and the contribution that trains make to the national transportation system. May 9, 2009 is designated as National Train Day because it marked the 140th anniversary of the “golden spike” being driven into the final tie at Promontory Summit, Utah, to complete the first transcontinental railroad.

H. Res. 484, Expressing Support for Designation of June 10th as “National Pipeline Safety Day”

(H. Res. 484)
June 9, 2009

H. Res. 484 expresses support for the designation of June 10th as “National Pipeline Safety Day”; encourages State and local governments, safety groups, industry, and other pipeline stakeholders to promote pipeline safety; and urges individuals across the nation to become more aware of the pipelines that run through their communities, and to take appropriate safety measures to prevent damage to underground pipelines.

Expressing Support for National Safe Digging Month

(H. Res. 1278)
May 5, 2010

H. Res. 1278 expresses support for the designation of April 2010 as National Safe Digging Month, and encourages all homeowners and excavators to call 811 before conducting any digging or excavation activities to prevent fatalities, injuries, environmental damage, and loss of critical infrastructure and services. According to the DOT’s Pipeline and Hazardous Materials Safety Administration, excavation damage continues to be a leading cause of serious pipeline incidents. More than 256,000 underground utility lines are damaged during excavation each year in the United States; 37.5 percent of which are the result of not calling before digging.

Supporting the Goals and Ideals of National Train Day

(H. Res. 1301)
May 5, 2010

H. Res. 367 recognizes the House of Representatives’ support for National Train Day and the contribution that trains make to the national transportation system. May 8, 2010, is designated by Amtrak as National Train Day because it marks the 141st anniversary of passenger rail service in the United States and commemorates
the day that the first transcontinental railroad was created. On May 10, 1869, in Promontory Summit, Utah, the golden spike was driven into the final tie that joined 1,776 miles of the Central Pacific and Union Pacific railways, transforming America by creating the nation’s first transcontinental railroad.

RECOGNIZING AND HONORING THE FREIGHT RAILROAD INDUSTRY AND ITS EMPLOYEES

(H. Res. 1366)

July 27, 2010

H. Res. 1366 recognizes and honors the freight railroad industry and its employees; recognizes its important contributions to the national transportation system; and supports the efforts of the freight rail industry and its employees to continue improving safety as our nation moves forward with developing its infrastructure.

Freight railroads have a long and important history in the United States. As early as 1827, freight railroads have aided in the expansion and development of this nation, its infrastructure and its economy. The first common-carrier railroad in North America, the Baltimore & Ohio (B&O) Railroad, was chartered by the State of Maryland in 1827. The B&O continued to operate until 1963, when the Chesapeake and Ohio Railway took control of the railroad; today, it operates as part of CSX Transportation. The B&O was preceded by a few other freight railroads including the Granite Railway in Massachusetts, which began operations in 1826, and the Mohawk & Hudson Railroad in New York, which was created in 1826 and began operations in 1831.

Since 1830, freight rail has been instrumental in bringing American goods to markets both nationally and internationally. Today, 43 percent of all intercity freight volume is moved by freight rail. Over the past three decades, freight railroads have nearly doubled the amount of cargo they ship with virtually no increase in fuel consumption. Freight railroads are one of the most fuel-efficient modes of transportation; they are able to move one ton of freight 480 miles using only one gallon of diesel fuel. One train can take 280 trucks off the road, the equivalent of 1,100 automobiles.

Today, the freight rail industry is comprised of more than 560 railroad companies that operate on 140,000 miles of track across the nation. Freight rail carries more than 2.2 billion tons of freight annually. The freight rail industry employs more than 183,000 people. Since 1980, the freight railroad industry has reinvested $460 billion in revenue toward equipment, maintenance, and rail expansion, which has supported employment and economic activity throughout the United States. For every dollar invested in freight rail capacity, the national economy experiences $3 in economic output.
SUPPORTING THE GOALS AND IDEALS OF RAILROAD RETIREMENT DAY

(H. Res. 1463)

July 20, 2010

H. Res. 1463 supports the goals and ideals of Railroad Retirement Day, as designated by the U.S. Railroad Retirement Board; recognizes the important contributions that the rail industry, rail workers, and railroad retirees make to the national transportation system; and urges the people of the United States to recognize Railroad Retirement Day (August 29, 2010) as an opportunity to celebrate the success and importance of the railroad retirement system to America's working families. By the beginning of its 75th year, in 2010, railroad retirement benefits had been provided to two million retired employees, 1.1 million spouses, and 2.4 million survivors. Additional unemployment and sickness benefits have been paid to railroad workers who were laid off or injured on the job.

Water Resources and Environment

TO AMEND THE FEDERAL WATER POLLUTION CONTROL ACT TO CLARIFY FEDERAL RESPONSIBILITY FOR STORMWATER POLLUTION

Public Law 111–____

(S. 3481)

January 2011

This legislation amends section 313 of the Federal Water Pollution Control Act (Clean Water Act) to clarify that reasonable service charges for addressing pollution from Federal facilities include reasonable and nondiscriminatory fees, charges, or assessments that are based on the proportion of stormwater emanating from the facility and used to pay (or reimburse) costs associated with any stormwater management program.

TO MODIFY THE DATE ON WHICH THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY AND APPLICABLE STATES MAY REQUIRE PERMITS FOR DISCHARGES FROM CERTAIN VESSELS

Public Law 111–215

(S. 3372)

(See also H.R. 5301)

July 30, 2010

This law extends the period during which the Administrator of the Environmental Protection Agency (EPA) and States are prohibited from requiring a permit under section 402 of the Clean Water Act for discharges that are incidental to the normal operation of certain commercial vessels. In July 2008, Congress enacted P.L. 110–299, a two-year moratorium of requirements that an owner or an operator of a fishing vessel or a vessel less than 79 feet in
length must obtain a Clean Water Act permit for discharges incidental to the normal operation of such vessel. P.L. 110–299 also required that the EPA and the United States Coast Guard jointly conduct a study on the impacts of such discharges on water quality. The results of this study would guide the EPA in developing a permitting program for these discharges. The two-year moratorium expired on July 31, 2010. While initial study results showed that the effects of such discharges are not benign, EPA was continuing to evaluate the results of the study, and was not in a position to develop and issue guidelines to properly address such discharges. S. 3372 extends the permitting moratorium through December 18, 2013.

TO AMEND THE WATER RESOURCES DEVELOPMENT ACT OF 2000 TO EXTEND AND MODIFY THE PROGRAM ALLOWING THE SECRETARY OF THE ARMY TO ACCEPT AND EXPEND FUNDS CONTRIBUTED BY NON-FEDERAL PUBLIC ENTITIES TO EXPEDITE THE EVALUATION OF PERMITS, AND FOR OTHER PURPOSES.

Public Law 111–315

(H.R. 6184)

December 18, 2010

The law amends section 214 of the Water Resources Development Act of 2000 to extend the authority of the Secretary of the Army to accept funds from non-Federal public entities for the consideration of permits under the Clean Water Act and the Rivers and Harbors Appropriation Act of 1899 through December 31, 2016. This authority was set to expire on December 31, 2010.

In addition, this law amends the permit review authority of section 214 to reduce the potential “conflict of interests” inherent in the program by: (1) clarifying that the authority can only be used by a public entity to review permits related to projects or activities for a public purpose; (2) requiring a formal, higher-order review of permits considered under this authority; and (3) ensuring that information on individual permits reviewed under the 214 authority be made publicly available, including on the Internet.

TO EXTEND THROUGH DECEMBER 31, 2010, THE AUTHORITY OF THE SECRETARY OF THE ARMY TO ACCEPT AND EXPEND FUNDS CONTRIBUTED BY NON-FEDERAL PUBLIC ENTITIES TO EXPEDITE THE PROCESSING OF PERMITS

Public Law 111–120

(H.R. 4165)

December 22, 2009

This law extends through December 31, 2010, the authority of the Secretary of the Army to accept funds from non-Federal public entities for the consideration of permits under the Federal Water Pollution Control Act (Clean Water Act) and the Rivers and Harbor Act of 1899. This authority, enacted as section 214 of the Water Re-
sources Development Act of 2000, was set to expire on December 31, 2009.

RECOGNIZING THE ATLANTIC INTRACOASTAL WATERWAY ASSOCIATION ON THE OCCASION OF ITS 10TH ANNIVERSARY, AND FOR OTHER PURPOSES

(H. Res. 465)

October 14, 2009

H. Res. 465 recognizes the importance of the Atlantic Intracoastal Waterway and commends the Atlantic Intracoastal Waterway Association on the occasion of its 10th anniversary.

RECOGNIZING THE CONTRIBUTIONS OF THE NATIONAL WATERWAYS CONFERENCE ON THE OCCASION OF ITS 50TH ANNIVERSARY, AND FOR OTHER PURPOSES

(H. Res. 1639)

September 28, 2010

H. Res. 1639 recognizes the value of the U.S. Army Corps of Engineers and its civil works mission to the economic prosperity and sustainable environmental health of the nation; recognizes the contributions of the National Waterways Conference on the formulation of the nation's water resources-related policies and programs for the Corps' civil works mission and its advocacy for continued and increased investment in meeting the water resources needs of the nation; and commends the National Waterways Conference on the occasion of its 50th anniversary.
SUMMARY OF ACTIVITIES FOR
THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

In the 111th Congress, the Committee on Transportation and Infrastructure, chaired by Representative James L. Oberstar, with Representative John L. Mica serving as Ranking Member, held 22 Full Committee hearings (185 witnesses and approximately 126 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 multiple subcommittees.

The Committee on Transportation and Infrastructure, in coordination with the Committee on Appropriations, developed H.R. 1, the American Recovery and Reinvestment Act of 2009 (Recovery Act) (P.L. 111–5) to address the greatest economic recession since the Great Depression. The Recovery Act provided $64.1 billion of infrastructure investment for programs within the jurisdiction of the Committee on Transportation and Infrastructure, including: $27.5 billion for highways and bridges; $8.4 billion for public transit; $9.3 billion for passenger rail; $1.5 billion for competitive surface transportation grants; $1.3 billion for aviation; $5.26 billion for environmental infrastructure; $4.6 billion for the U.S. Army Corps of Engineers; $5.575 billion for Federal buildings; $150 million for the Economic Development Administration; $210 million for Firefighter Assistance Grants; $240 million for Coast Guard facilities and bridge alterations; and $100 million for Maritime Administration Small Shipyard Grants. The Recovery Act generally required these funds to be invested in ready-to-go projects and required unprecedented transparency and accountability provisions.

The Committee on Transportation and Infrastructure also developed major legislation, H.R. 915, the “FAA Reauthorization Act of 2009”, to reauthorize the Federal Aviation Administration (FAA) and provide $53.5 billion over three years for FAA programs. On May 21, 2009, the House passed H.R. 915 by a roll call vote of 277–136.

In addition, the Committee developed major legislation, H.R. , the “Surface Transportation Authorization Act of 2009”, to reauthorize Federal surface transportation programs and provide $450 billion over six years for surface transportation programs and $50 billion for development of high-speed rail. On June 24, 2009, the Subcommittee reported the bill favorably to the Committee by voice vote. No further action was taken on this legislation.

The following bills and resolutions were enacted in the 111th Congress:
• Public Law 111–5, the American Recovery and Reinvestment Act of 2009,
• Public Law 111–191, to Amend the Oil Pollution Act of 1990 to Authorize Advances from Oil Spill Liability Trust Fund for the Deepwater Horizon Oil Spill,
• Public Law 111–___, the Ike Skelton National Defense Authorization Act for Fiscal Year 2011,
• Public Law 111–84, the National Defense Authorization Act for Fiscal Year 2010,
• H. Res. 313, supporting the goals and ideals of National Public Works Week,
• H. Res. 722, expressing the sense of the House of Representatives regarding the terrorist attacks launched against the United States on September 11, 2001,
• H. Res. 1085, honoring and celebrating the contributions of African-Americans to the transportation and infrastructure of the United States, and
• H. Res. 1610, expressing the sense of the House of Representatives regarding the terrorist attacks launched against the United States on September 11, 2001.

Other bills that passed the House include:
• H.R. 3534, Title VII, the “Oil Spill Accountability and Environmental Protection Act of 2010”.

More than 85 other Committee bills and resolutions enacted in the 111th Congress are outlined in the subcommittee chapters of this report.

The Committee 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, fraud, abuse, or mismanagement. The Committee was deeply committed to reviewing and altering agency programs with the intent of ensuring that ineffective expenditures are eliminated and that taxpayers receive the full value of every Federal investment dollar.

The Committee aggressively reviewed program implementation to ensure that Federal agencies, and their state and local partners, were appropriately implementing laws consistent with statutory intent and the best needs of the public. The commitment is not to programs, but to the goals and objectives that best serve the needs of the American people in an efficient, fiscally responsible way. To that end, the Committee developed multiple proposals to improve the operation of government, including opportunities to reduce expenditures and the deficit. Because many of the programs within the Committee’s jurisdiction are implemented in partnership with state and local governments, the Committee pursued improvements at all levels of government.
While the Committee continues to conduct oversight of agency programs in all areas of its jurisdiction, in the 111th Congress, the Committee focused its efforts on overseeing the implementation of the Recovery Act.

The Recovery Act provided $64.1 billion for programs within the jurisdiction of the Committee on Transportation and Infrastructure, including $38 billion for highway, transit, and wastewater infrastructure formula programs. Following enactment of the Recovery Act, the Committee performed vigorous oversight, to ensure that the funds provided were invested quickly, efficiently, and in harmony with the job-creating purposes of the Act.

Just 10 days following enactment of the Recovery Act, the Committee requested monthly reports from States, major public transit agencies, and metropolitan planning organizations on the use of highway, transit, and wastewater infrastructure formula funds provided under the Recovery Act. The Committee received those reports throughout the 111th Congress.

The Committee's request exceeded the transparency and accountability requirements of the Recovery Act, expanding the scope of programs covered by the reporting requirements, and accelerating the deadline by which information was reported. These reports included information on the number of projects that have been put out to bid, are under contract and under way, and have been completed. The information also included job hours created or saved and payroll figures. The Committee also received monthly reports from Federal agencies implementing Recovery Act programs under the Committee's jurisdiction.

Beginning in April 2009, the Committee published a monthly report reflecting this information. All released information was published at the Recovery Act section of the Committee's website: http://transportation.house.gov.

Of the $38 billion available for highway, transit, and wastewater infrastructure formula program projects under the Recovery Act, as of November 30, 2010, $35.8 billion (94 percent) has been put out to bid on 20,318 projects. Within this total, 19,932 projects totaling $35 billion (92 percent) are under contract. Across the nation, work has begun on 19,543 projects totaling $35 billion (92 percent)—work producing badly needed jobs today. Within this total, work has been completed on 11,316 projects totaling $10 billion (27 percent). From these investments, not only has the economy benefited from the jobs created, the public benefits from the improved transportation and quality of the environment provided by the investment.

In addition to the monthly reporting, the Committee held 19 oversight hearings on the Recovery Act since enactment of the law. This total includes 10 Full Committee hearings and nine subcommittee hearings. These 19 hearings included a total of 134 witnesses and spanned nearly 69 hours. The breadth of witnesses included Secretary of Transportation Ray LaHood, Administrator of Environmental Protection Lisa Jackson, Assistant Secretary of the Army (Civil Works) Jo-Ellen Darcy, as well as other Federal, state, and local government officials, economists, private industry leaders, and workers actively engaged in implementing the Recovery Act.
Public Laws and Resolutions

AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

Public Law 111–5

(H.R. 1)

February 17, 2009

The American Recovery and Reinvestment Act (Recovery Act) (P.L. 111–5) provided $64.1 billion of infrastructure investment for programs within the jurisdiction of the Committee on Transportation and Infrastructure, including: $27.5 billion for highways and bridges; $8.4 billion for public transit; $9.3 billion for passenger rail; $1.5 billion for competitive surface transportation grants; $1.3 billion for aviation; $5.26 billion for environmental infrastructure; $4.6 billion for the U.S. Army Corps of Engineers; $5.575 billion for Federal buildings; $150 million for the Economic Development Administration; $210 million for Firefighter Assistance Grants; $240 million for Coast Guard facilities and bridge alterations; and $100 million for Maritime Administration Small Shipyard Grants.

The Recovery Act generally required these funds to be invested in ready-to-go projects. Section 1602 of the Recovery Act required States and other grant recipients to give preference to projects that could be started and completed expeditiously, including a goal of using at least 50 percent of the funds for projects that could be initiated not later than 120 days (June 17, 2009) after the date of enactment. In addition, several transportation programs had specific deadlines to invest a percentage of the funds. For example, for Federal-aid Highway formula funds, 50 percent of State-administered funds had to be obligated within 120 days (June 30, 2009) of the date of apportionment and all funds had to be obligated within one year (March 2, 2010) of the date of apportionment. For transit formula grants, 50 percent of funds had to be obligated within 180 days (September 1, 2009) of the date of apportionment and all funds had to be obligated within one year (March 5, 2010) of the date of apportionment. Funding provided for passenger rail also had to be obligated by a specified date. The $8 billion provided for development of high-speed and intercity passenger rail must be obligated by September 30, 2014, and the $1.3 billion provided for capital improvements to the National Railroad Passenger Corporation (Amtrak) had to be obligated by September 30, 2010, with the exception of $5 million provided to the Amtrak Office of Inspector General which remains available through September 30, 2013.

The Recovery Act created “green collar” jobs and invested in projects that decreased our dependence on foreign oil and addressed global climate change. The Act provided $4.5 billion for High-Performance Green Federal buildings to fund projects that incorporate energy and water conservation elements, such as installing photovoltaic roofs and geothermal technology. In addition, the Recovery Act provided a significant investment in public transit, high-speed rail, intercity passenger rail, and Amtrak projects to provide alternatives to traveling by car, and help public transit and intercity passenger rail providers increase the percentage of their
fleets that are alternative fuel vehicles. Finally, the Recovery Act directed that 20 percent of each State’s Clean Water State Revolving Fund allotment be used for investments in energy and water efficient techniques and technologies (i.e., green infrastructure). The Recovery Act also required the steel, iron, and manufactured goods for these projects to be produced in the United States.

The Recovery Act required the Governor of each State to certify that: the State would request and use funds provided by the Recovery Act and the funds would be used to create jobs and promote economic growth; the State would maintain its effort with regard to State funding for transportation projects; and the Governor accepted responsibility that the infrastructure investment is an appropriate use of taxpayer dollars.

Finally, the Recovery Act ensured transparency and accountability by including regular reporting requirements to track the use of the funds, State investments, and the estimated number of jobs created or sustained. Pursuant to section 1512 of the Act, States and other direct grant recipients provided quarterly reports (beginning October 10, 2009) to the Federal agency that provided the funds on the total amount of recovery funds received; the amount of such funds that were expended or obligated; a detailed list of all projects or activities for which recovery funds were expended or obligated, including the name and description of the project, an evaluation of the completion status of the project, and an estimate of the number of jobs created or sustained by the project; and, for infrastructure investments made by State and local governments, the purpose, total cost, and rationale of the agency for funding the infrastructure investment. This information was made publicly available through Recovery.gov.

Section 1201 of the Recovery Act required additional reporting requirements for funds administered by the U.S. Department of Transportation (DOT). Under this provision, each State and other grant recipient submitted periodic reports to DOT on the use of Recovery Act funds provided for highway, public transit, rail, surface transportation, airport, and maritime programs. The States and other grant recipients reported: the amount of Federal funds obligated and outlaid; the number of projects that have been put out to bid, and the amount of Federal funds associated with such projects; the number of projects for which contracts have been awarded, and the amount of Federal funds associated with such projects; the number of projects for which work has begun under such contracts and the amount of Federal funds associated with such contracts; the number of projects for which work has been completed under such contracts and the amount of Federal funds associated with such contracts; the number of direct, on-project jobs created or sustained by the Federal funds provided and, to the extent possible, the estimated indirect jobs created or sustained in the associated supplying industries, including the number of job-years created and the total increase in employment since the date of enactment; and information tracking the actual aggregate expenditures by each grant recipient from State sources for projects eligible for funding under the program during the period from the date of enactment through September 30, 2010, compared to the
level of expenditures that were planned to occur during such period as of the date of enactment.

TO AMEND THE OIL POLLUTION ACT OF 1990 TO AUTHORIZE ADVANCES FROM OIL SPILL LIABILITY TRUST FUND FOR THE DEEPWATER HORIZON OIL SPILL

Public Law 111–191
(S. 3473)
June 15, 2010

This law amends the Oil Pollution Act of 1990 to exempt advances to the Coast Guard in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon from the requirement that amounts in the Oil Spill Liability Trust Fund (Fund) be available only as provided in annual appropriations acts. P.L. 111–191 limits such advances to a maximum of $100 million each, with the total amount for all advances subject to the limits of existing law (i.e., not to exceed $1 billion for any single incident and $500 million for natural resource damage assessments and claims for any single incident, provided that, except in the case of payments of removal costs, an advance may be made only if the amount in the Fund after such advance will not be less than $30 million). The Coast Guard is required to notify Congress within seven days of the amount advanced and the facts and circumstances necessitating the advance.

IKE SKELTON NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

Public Law 111–____
(H.R. 6523)
January 2011

Aviation

Section 358 requires the Secretary of Defense to take certain actions to expedite Department of Defense (DOD) review of new infrastructure projects that may have an adverse impact on military operations and readiness. Specifically, this requires the designation of a senior official and a lead organization at DOD to coordinate the Department’s review of applications for projects filed with the Secretary of Transportation pursuant to section 44718 of title 49, United States Code (regarding the impact of the construction, alteration, establishment, or expansion, of a structure that may result in an obstruction of the navigable airspace or an interference with air navigation facilities and equipment or the navigable airspace). Within 180 days, the designated official and lead organization at DOD must: conduct a preliminary review and assessment of any pending project applications; develop an integrated review process to ensure timely notification and consideration of project applications that may have an adverse impact on military operations and readiness; establish procedures for DOD to coordinate consideration...
of and response to a request for a review received from State and local officials or renewable energy project developers; and develop procedures for conducting early outreach to parties carrying out such projects. DOD is required to have a strategy in place within 270 days to take the same steps with respect to any future project applications filed with the Department of Transportation (DOT). For projects where DOD is concerned about potential impacts on military readiness, this section requires DOD to conduct its hazard assessment within 30 days of receiving an application from DOT. This section clarifies that the DOD hazard assessment shall not be considered a substitute for any assessment or determination required by the Federal Aviation Administration under current law.

**Water Resources and Environment**

Sections 311 and 312 provide the Secretary of Defense the authority to transfer funds to the Hazardous Substance Superfund. Section 311 authorizes a reimbursement of the Environmental Protection Agency (EPA) for costs incurred related to response activities performed at the Twin Cities Army Ammunition Plant, Minnesota. Section 312 authorizes funds to pay a penalty assessed by the EPA against Naval Air Station, Brunswick, Maine, for the failure of the Navy to sample certain monitoring wells in a timely manner.

Section 2815 requires the Secretary of Defense, within 270 days, to conduct a study relating to the presence of unexploded ordnance in a portion of the former bombardment area at Culebra Island, Puerto Rico. The Secretary is specifically directed to examine any threats to public health or safety and the environment from unexploded ordnance.

Section 2822 authorizes the Secretary of Defense to convey to the Guam Waterworks Authority all right, title, and interest of the United States in and to the water and wastewater treatment utility systems on Guam, including the Fena Reservoir, for the purpose of establishing an integrated water and wastewater treatment system on Guam.

**Coast Guard and Maritime Transportation**

The bill also contains several sections affecting the United States Coast Guard, including provisions that increase the annual pay and alter benefits eligibility for Coast Guard men and women.

**National Defense Authorization Act for Fiscal Year 2010**

Public Law 111–84

(H.R. 2647)

October 28, 2009

**Aviation**

Section 935 requires the Secretary of Transportation and the Secretary of Defense to create a joint plan to accommodate Department of Defense (DOD) unmanned aircraft systems in the national airspace.
Coast Guard and Maritime Transportation

Section 601 authorizes a 3.4 percent increase in basic pay for members of the uniformed services, including the Coast Guard.

Section 3505 requires the Secretary of Defense and the Secretary of the Department in which the Coast Guard is operating to prescribe non-lethal defense measures to defend against piracy, and to require that U.S.-flagged vessels participating in the Maritime Security Program carrying DOD cargo and operating in an area designated by the Coast Guard as an area of high risk of piracy be equipped with such measures.

Section 3512 directs the Secretary of Transportation, through the Maritime Administrator, to establish a port infrastructure development program and a port infrastructure development fund. The provision expressly prohibits the transfer of highway and public transit funds (made available under title 23 or chapter 53 of title 49, United States Code) to the port infrastructure development fund, except under very limited circumstances.

Section 3515 authorizes the Secretary of Transportation to establish and implement a short sea transportation grant program for the development of marine highways.

Section 3516 requires the Secretary of Transportation to expand the Marine View system, an information system containing data on the nation's marine transportation system, which is defined as the navigable water transportation system of the U.S. including vessels, ports, shipyards, and vessel repair facilities.

Water Resources and Environment

Section 315 authorizes the Secretary of Defense to transfer $68,623 into the Hazardous Substance Superfund (Superfund) to reimburse the Environmental Protection Agency (EPA) for costs incurred overseeing a remediation at the Former Nansemond Ordnance Depot Site, Suffolk, Virginia.

Section 2860 authorizes the Secretary of the Air Force to convey land at Lackland Air Force Base in Texas in exchange for real property adjacent to the property.

Supporting the Goals and Ideals of National Public Works Week

(H. Res. 313)

May 5, 2009

H. Res. 313 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.
EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES REGARDING THE TERRORIST ATTACKS LAUNCHED AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

(H. Res. 722)

September 9, 2009

H. Res. 722 recognizes September 11 as both a day to mourn and remember those taken from their loved ones and fellow citizens, and a day for the people of the United States to recommit to the nation and to each other. The resolution also states that the U.S. House of Representatives extends its deepest sympathies to the friends, families, and loved ones of the innocent victims of the September 11, 2001 terrorist attacks; honors the heroic service and sacrifices of first responders, law enforcement personnel, state and local officials, volunteers, and others who aided the victims and, in so doing, bravely risked and often sacrificed their own lives and health; and expresses gratitude to the foreign leaders and citizens of all nations who continue to stand in solidarity with the United States against the international scourge of terrorism. The resolution also asserts, in the strongest possible terms, that the fight against terrorism is not a war on any nation, any people, or any faith; recognizes the heroic service of United States personnel, including members of the United States Armed Forces, United States intelligence agencies, and the United States diplomatic service, and their families, who have sacrificed much, including their lives and health, to defend their country against terrorists; and that the U.S. House of Representatives will continue to take whatever actions are appropriate to defend the people of the United States and to identify, intercept, and defeat terrorists, including providing the United States Armed Forces, United States intelligence agencies, and the United States diplomatic service with the resources and support to effectively accomplish this mission. The resolution calls on all Americans to renew their devotion to the universal ideals that make the nation great: freedom, pluralism, equality, and the rule of law.

HONORING AND CELEBRATING THE CONTRIBUTIONS OF AFRICAN-AMERICANS TO THE TRANSPORTATION AND INFRASTRUCTURE OF THE UNITED STATES

(H. Res. 1085)

February 24, 2010

H. Res. 1085 supports the goals and ideals of National African American History Month; honors and celebrates the important contributions that African-Americans have made throughout history to the transportation and infrastructure of the United States; and urges citizens and communities throughout the United States to join with representatives of the Federal Government to recognize the substantial contributions that African-Americans have made and continue to make to the nation’s transportation and infrastructure systems.
EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES REGARDING THE TERRORIST ATTACKS LAUNCHED AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

(H. Res. 1610)

September 15, 2010

H. Res. 1610 recognizes September 11 as both a day to mourn and remember those taken from their loved ones and fellow citizens, and a day for the people of the United States to recommit to the nation and to each other. The resolution also states that the U.S. House of Representatives extends its deepest sympathies to the friends, families, and loved ones of the innocent victims of the September 11, 2001, terrorist attacks; honors the heroic service and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers, and others who aided the victims and, in so doing, bravely risked and often sacrificed their own lives and health; and expresses gratitude to the foreign leaders and citizens of all nations who continue to stand in solidarity with the United States against the international scourge of terrorism. The resolution also: recognizes the heroic service of United States personnel, including members of the Armed Forces, intelligence agencies, the diplomatic service, the law enforcement and homeland security communities, and their families, who have sacrificed much, including their lives and health, to defend their country against terrorists; states that the U.S. House of Representatives vows that it will continue to take whatever actions are appropriate to defend the people of the United States and to identify, intercept, and defeat terrorists, including providing the Armed Forces, intelligence agencies, the diplomatic service, and the law enforcement and homeland security communities with the resources and support necessary to effectively accomplish this mission; and reaffirms that the American people will never forget the sacrifices made on and since September 11, 2001.

Other Legislation

OIL SPILL ACCOUNTABILITY AND ENVIRONMENTAL PROTECTION ACT OF 2010

(H.R. 3534, Title VII)

(See also H.R. 5629)

Passed the House on July 30, 2010

H.R. 3534 provides greater efficiencies, transparency, returns, and accountability in the administration of Federal mineral and energy resources by consolidating administration of various Federal energy minerals management and leasing programs into one entity to be known as the Office of Federal Energy and Minerals Leasing of the Department of the Interior, and for other purposes.

Title VII, the “Oil Spill Accountability and Environmental Protection Act of 2010”, of H.R. 3534 removes the limitation on liability for offshore facilities to ensure that the responsible party or
parties (e.g., British Petroleum with respect to the Deepwater Horizon spill) will be responsible for 100 percent of the cleanup costs and damages to third parties. This provision applies to claims brought before the date of enactment, provided that such claims are brought within the limitation period applicable to the claim.

In addition, Title VII: increases the level of financial responsibility for an offshore facility to $300 million; allows the President to require a responsible party to provide evidence of financial responsibility that is less than $300 million under certain circumstances; and sets floors for minimum financial responsibility of $105 million for a deepwater facility or $30 million for a shallow water facility. It also directs the President to review the minimum level of financial responsibility every three years, and adjust it upward if necessary. The bill does not change the financial responsibility requirements for vessels, which, under current law, are equal to the liability limitations.

Title VII of H.R. 3534 authorizes individuals to seek compensation from responsible parties for damages to human health resulting from a release of oil.

This legislation also requires all vessels engaged in oil drilling activities in the U.S. Exclusive Economic Zone (EEZ) (200–mile zone) to be U.S.-flag vessels owned by U.S. citizens. In addition, title VII requires all offshore facilities to be U.S. built, except under certain conditions.

Title VII of H.R. 3534 requires the safety management plan for a Mobil Offshore Drilling Unit (MODU) to address all activities on the vessel that may affect the seaworthiness of the vessel in a worst-case event, and increases the knowledge requirements for licensed masters of a MODU.

Title VII requires the Coast Guard to concur in the Offshore Spill Response Plan (OSRP) for an offshore facility, including the well, and clarifies the respective authorities of the U.S. Environmental Protection Agency (EPA), the Department of Transportation (DOT) with respect to onshore facilities, and the Department of the Interior (DOI). In addition, this section repeals the authority for the President to allow any tank vessel or onshore or offshore facility to operate without an approved OSRP.

Under Title VII, EPA is required to undertake a rulemaking to revise the schedule for using a chemical dispersant in connection with an oil spill, including an evaluation of the effectiveness, toxicity, and potential human health and environmental impacts from use of a dispersant. In addition, title VII provides for a temporary moratorium on the use of dispersants, except that the EPA may conditionally approve the use of dispersants under certain circumstances.

Title VII requires the President to establish a national database to track all releases of oil or hazardous substances into the waters of the United States, adjoining shorelines, into or upon the waters of the contiguous zone, or in relation to activities on the outer Continental Shelf.

Title VII defines the respective authorities of the Coast Guard, the EPA, DOT, and DOI and directs the heads of these agencies to ensure that agency personnel develop and maintain the operational capability to respond effectively to an oil spill and to ensure
the safe operation of vessels on the outer Continental Shelf. Title VII also updates the requirements for facility and vessel owners and operators to develop, maintain, and update oil spill response plans, and requires the appropriate Federal agencies to periodically review compliance with the requirements.

Title VII authorizes specific appropriations from the Oil Spill Liability Trust Fund for the Coast Guard, EPA, and DOT to carry out the Act. In addition, it authorizes an end-of-year strength for active-duty Coast Guard personnel to be increased by 300 personnel who shall be assigned to implement the activities required of the Coast Guard by this Act.

Finally, Title VII repeals the Clean Water Act exemption from the stormwater permitting requirements for the construction of oil and gas exploration and production sites.

Hearings

During the 111th Congress, the Committee on Transportation and Infrastructure held 22 hearings.

INFRASTRUCTURE INVESTMENT: ENSURING AN EFFECTIVE ECONOMIC RECOVERY PACKAGE

On January 22, 2009, the Committee held a hearing to receive testimony on how infrastructure investment contributes to job creation and economic recovery. The Subcommittee received testimony from the Governor of Wisconsin; Mayor of Portland, Oregon; Secretary of Transportation of New York; and other stakeholders.

This hearing served as follow-up to the Committee’s October 29, 2008 hearing, in which the Committee explored three primary reasons for enacting economic recovery legislation: (1) the rise in construction sector unemployment; (2) the failure to meet the nation’s infrastructure needs, and (3) the availability of ready-to-go infrastructure projects. At the October hearing, the Committee also reviewed the findings of the recent study of the National Surface Transportation Policy and Revenue Study Commission, which found a significant surface transportation investment gap, and called 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 to a state of good repair.

Since the October hearing, unemployment in the construction industry had skyrocketed to 15.3 percent—the highest unemployment rate of any industrial sector. In the context of this national emergency, the Committee reviewed these job loss statistics, the critical need to invest in the country’s crumbling infrastructure, and the availability of ready-to-go projects. At this hearing, witnesses testified on the need to increase funding levels for transportation and infrastructure projects in economic recovery legislation and to ensure the timely and transparent use of funds for job creation by the summer of 2009.
On March 26, 2009, the Committee held a hearing to receive testimony on the U.S. Department of Transportation's (DOT) Disadvantaged Business Enterprises (DBE) Program. At the hearing, the Committee received testimony from House Majority Whip James E. Clyburn; DOT officials responsible for administering the DBE program; an economic analyst specializing in race and sex discrimination and its impact on businesses; owners and executives of disadvantaged and woman-owned businesses and concessionaires; and representatives of trade associations representing contractors, concessionaires, and airports. This hearing was part of the Committee's effort to prepare for the reauthorization of Federal surface transportation and aviation programs.

The DBE program provides women and minority contractors with the opportunity to compete for highway, transit, and airport construction contracts under Federally-funded transportation programs. The DBE program was established through a series of legislative initiatives to remedy past and current discrimination against minority- and woman-owned small businesses to ensure that they are provided equal opportunity to compete for DOT-assisted highway, public transit, and airport contracts.

At the hearing, the Committee received evidence and data showing ongoing discrimination and barriers to entering the marketplace faced by minority and women business owners. The data demonstrated the difficulty facing small and disadvantaged businesses at many points in the contracting process, including obtaining credit, bonding, and insurance, and the need to continue efforts to expand access to Federal highway, transit, and airport contracts for minority- and woman-owned small businesses.

RECOVERY ACT: 10-WEEK PROGRESS REPORT FOR TRANSPORTATION AND INFRASTRUCTURE PROGRAMS

On April 29, 2009, the Committee held a hearing to address Recovery Act implementation efforts in programs across the Committee's jurisdiction, including highways, bridges, public transportation, rail, aviation, waterways, flood control, water resource development, wastewater treatment facilities, hazardous waste cleanups, economic development, and Federal buildings. The Committee received testimony from the Secretary of Transportation; Administrator of Environmental Protection; Principal Deputy Assistant Secretary of the Army (Civil Works); and Acting Administrator of General Services.

The witnesses testified about their agency's efforts to use Recovery Act funds quickly, efficiently, and in harmony with the job-creating purposes of the Act. At the hearing, Committee Members reviewed for the first time the results of the Committee's vigorous oversight, which found that as of March 31, 2009, just 42 days after President Barack Obama signed the Recovery Act into law, 1,380 highway and transit projects totaling $6.4 billion had been put out to bid, 1,380 projects were already under contract, and work had begun on 263 projects totaling $1.1 billion.
The Committee also reviewed the certifications required under the Recovery Act. As of April 24, 2009, all 50 States, the District of Columbia, and the five Territories had certified that they would maintain their efforts with regard to state funding of transportation projects, request and use all funds provided by the Recovery Act, and use funds to create jobs and promote economic growth. Each Governor or Chief Executive Officer also certified that infrastructure investments funded by the Recovery Act had received the full review and vetting required by law and accepted responsibility that the infrastructure investments were an appropriate use of taxpayer dollars.

AN INDEPENDENT FEMA: RESTORING THE NATION’S CAPABILITIES FOR EFFECTIVE EMERGENCY MANAGEMENT AND DISASTER RESPONSE

On May 14, 2009, the Committee held a hearing to receive testimony on the Federal Emergency Management Agency (FEMA), and how it has functioned since its placement in the Department of Homeland Security (DHS). The Committee received testimony from state and local emergency managers, floodplain managers, and other stakeholders.

FEMA is the Federal Government’s lead agency for mitigating, preparing for, responding to, and recovering from disasters and emergencies from all hazards, whether natural or man-made. The agency’s primary authority in carrying out these functions is the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) (42 U.S.C. 5121 et seq.).

FEMA is best known for its programs that provide assistance to communities and citizens following a major disaster. FEMA’s major programs for disaster recovery are the Public Assistance Program and the Individual Assistance Program, also known as the Individual and Households Program. The Public Assistance Program reimburses state and local emergency response costs and provides grants to state and local governments as well as certain private non-profits to rebuild facilities. The Individual Assistance Program provides assistance to families and individuals impacted by disasters, including funding for repair, rental assistance, or direct assistance (e.g., providing trailers and mobile homes). FEMA also provides grants to mostly low-income families for loss of personal property, as well as disaster-related dental, medical, and funeral costs to individuals regardless of income. Other Individual Assistance Program benefits include unemployment assistance, disaster food stamps, disaster legal services, and crisis counseling. Both before and after disasters, FEMA also provides grants to communities to reduce the risk of future damage, hardship, and loss from all hazards through the Pre-Disaster Mitigation Program and the post-disaster Hazard Mitigation Grant Program, both authorized by the Stafford Act.

Previous hearings and other information provided to the Committee have raised concerns that changes made by DHS to FEMA programs continue to shift FEMA’s mission from all hazards to terrorism preparedness at the expense of mitigating, preparing for, responding to, and recovering from natural disasters and other emergencies. For example, changes to two Federal grant programs that previously helped build basic emergency management and fire-
fighting capability in communities around the country. Emergency Management Performance Grants (EMPG) and Fire Grants, illustrate this trend.

Since FEMA became part of DHS, the Department has attempted to change the focus of EMPG to a terrorism preparedness program rather than its longstanding purpose of basic emergency management capacity building. The Department has required States and localities to agree to spend the funds provided on DHS-mandated planning scenarios that are focused on terrorism. DHS has also mandated that grants be sent through state homeland security officials (SAAs) rather than continuing the longstanding practice of giving funds directly to emergency managers.

To restore FEMA's core emergency management mission, on February 25, 2009, Chairman Oberstar introduced H.R. 1174, the "FEMA Independence Act of 2009". This legislation re-establishes FEMA as an independent, cabinet-level agency reporting directly to the President. An independent FEMA would have responsibility for core emergency management programs and functions currently administered by the agency. The bill does not transfer any grant programs or functions, which are currently administered by FEMA, specific to terrorism, such as the Urban Area Security Initiative and the State Homeland Security Grant Program. DHS would continue to lead our nation's efforts to prevent and protect against terrorist incidents and attacks (crisis management), and its responsibilities over homeland security would not be affected by the bill.

**RECOVERY ACT: 120-DAY PROGRESS REPORT FOR TRANSPORTATION PROGRAMS**

On June 25, 2009, the Committee held a hearing to receive testimony on Recovery Act implementation efforts in transportation programs under the Committee's jurisdiction, including highways, bridges, public transportation, rail, and aviation. The Committee received testimony from DOT modal administrators including the Administrator, Federal Aviation Administration (FAA); Administrator, Federal Railroad Administration (FRA); Administrator, Federal Transit Administration (FTA); and Acting Deputy Administrator, Federal Highway Administration (FHWA).

This hearing focused specifically on the $48.1 billion of transportation investment for programs under the Committee's jurisdiction provided within the Recovery Act. As of June 15, 2009, U.S. DOT had announced its intended use for $47.5 billion and obligated $17.5 billion in Recovery Act funding.

The Committee also reviewed the use-it-or-lose-it provisions in the Recovery Act, and explored how meeting these deadlines would send a clear message to all Federal, state, and local governments implementing Recovery Act projects that they could quickly deliver transportation projects, put shovels into the ground, and, in doing so, improve the nation's infrastructure and lift the economy out of recession. Specifically, the Act required that 50 percent of the highway formula funds apportioned to States be obligated within 120 days (June 30, 2009) after the date of apportionment. All States met this requirement. The Act also required the FAA to award 50 percent of airport grant funds within 120 days (June 17, 2009)
after the date of enactment. The FAA exceeded this goal by awarding 66 percent of the airport grant funds by the statutory deadline.

**Recovery Act: 160-Day Progress Report for Transportation and Infrastructure Programs**

On July 31, 2009, the Committee held a hearing to receive testimony on Recovery Act implementation efforts in infrastructure programs under the Committee’s jurisdiction, including environmental, inland waterways, public buildings, and highway infrastructure. The Committee received testimony from the Acting Assistant Administrator for Administration and Resources Management, Environmental Protection Agency (EPA); Acting Assistant Secretary of the Army (Civil Works); Acting Commissioner, Public Buildings Service (PBS), General Services Administration (GSA); and Managing Director, Physical Infrastructure Issues of the Government Accountability Office (GAO).

This hearing explored how outlays are a lagging indicator of Recovery Act progress. Reviewing outlays does not provide a good sense of Recovery Act progress because transportation projects primarily operate on a reimbursement mode. For example, States seek reimbursement for highway projects after construction is underway. Federal outlays, therefore, come months after jobs are created and necessary infrastructure projects have begun. Instead, monitoring the percentage of allocated funds associated with projects out to bid, under contract, and underway help the public measure the Recovery Act’s progress.

The Committee also reviewed how jobs are created when contracts are signed, not when jobs are reported to the Committee. In fact, job creation is not reported until at least 45 to 90 days following contract award. The Committee also explored the distinctions between direct, indirect, and induced jobs, and the challenges associated with measuring the latter two categories. Direct jobs are charged directly to the project, and include workers employed to build a facility or upgrade equipment on-site. Indirect jobs are not charged directly to the project but are embedded in materials costs and include positions at companies that produce construction materials or manufacture equipment. Induced jobs are positions that are created or sustained when employees spend their increased incomes on goods and services.

**Concerns with Hazardous Materials Safety in the United States: Is the Pipeline and Hazardous Materials Safety Administration Performing Its Mission?**

On September 10, 2009, the Committee on Transportation and Infrastructure held a hearing to receive testimony on concerns with the Pipeline and Hazardous Materials Safety Administration’s (PHMSA) oversight and management of hazardous materials safety in the United States. The Committee received testimony from the Deputy Secretary of Transportation; Inspector General, U.S. Department of Transportation (DOT IG); and other stakeholders.

At the hearing, the Committee unveiled preliminary findings of a Majority staff investigation of PHMSA. The DOT IG released findings of his ongoing audit of PHMSA’s special permits and ap-
The Deputy Secretary of Transportation testified that it was aware of the problems within PHMSA and that immediate actions would be taken to resolve the Committee’s concerns.

RECOVERY ACT: 225-DAY PROGRESS REPORT FOR TRANSPORTATION INFRASTRUCTURE INVESTMENT

On October 1, 2009, the Committee held a hearing to receive testimony on Recovery Act implementation efforts in transportation programs under the Committee’s jurisdiction. The Committee received testimony from Secretary of Transportation LaHood; Director, Wyoming Department of Transportation; and representatives of construction companies and bus manufacturers.

The Secretary testified regarding DOT’s progress in committing Recovery Act transportation funds. The state department of transportation witness testified about implementing Recovery Act
projects from the state perspective. The private-sector witnesses testified about their experiences in the private sector related to the Recovery Act.

During the hearing, witnesses testified that investment from the private sector in our economy continued to decline. A construction company witness testified that, although during the previous three years his company had received one-half of its work from the private sector and one-half of its work from the public sector, at the time of the hearing, 98.5 percent of his business was public sector work. The bus manufacturer witness testified that his company had received orders for 638 buses that could be directly tied to Recovery Act funding. He emphasized that this quantity represents approximately 30 percent of the company's annual production. According to the witnesses, if not for the public investments in infrastructure funded by the Recovery Act, these companies would have found themselves in a far worse position, likely forcing massive reductions in their workforces.

THE CLEAN WATER ACT AFTER 37 YEARS: RECOMMITTING TO THE PROTECTION OF THE NATION'S WATERS

On October 15, 2009, the Committee held a hearing to receive testimony on the Federal Water Pollution Control Act (Clean Water Act). The Committee received testimony from EPA, GAO, EPA's Inspector General (EPA IG), State organizations, academia, individual citizens, and other stakeholders.

The primary focus of the hearing was on EPA's Clean Water Act enforcement program. On September 13, 2009, the New York Times ran a front page story detailing the systemic failure by Federal and state governments to enforce the Clean Water Act in recent years. According to the story, "fewer than 3 percent of Clean Water Act violations resulted in fines or other significant punishments by state officials," and "unchecked pollution remains a problem in many states."

Witnesses generally agreed that additional oversight of Federal and State Clean Water Act compliance and enforcement programs was warranted. According to Administrator for Environmental Protection Jackson, EPA is "falling short of [the Obama] Administration's expectations for the effectiveness of our clean water enforcement programs" and that "the time is long overdue for EPA to re-examine its approach to Clean Water Act [National Pollutant Discharge Elimination System] enforcement to be better equipped to address the water pollution challenges of this century."

Administrator Jackson noted that "[a]dding to our challenges, recent Supreme Court decisions have increased the difficulty of determining which water bodies are covered by the Clean Water Act in many parts of the country" and that "the Administration [believes that this issue] can only be fixed by Congress, and must be fixed."

At the hearing, the Administrator announced a new Clean Water Act enforcement plan to: (1) target enforcement to the most serious violations and the most significant sources; (2) strengthen EPA oversight of state permitting and enforcement programs; and (3) take immediate steps to improve transparency and accountability.
On December 10, 2009, the Committee held a hearing to receive testimony on Recovery Act implementation efforts in transportation programs under the Committee’s jurisdiction. The Committee received testimony from the Deputy Secretary of Transportation; Secretary of the Oklahoma Department of Transportation and representing the American Association of State Highway and Transportation Officials (AASHTO); General Manager of the Greater Cleveland Regional Transit Authority and representing the American Public Transportation Association (APTA); and Managing Director, Physical Infrastructure Issues, GAO.

During the hearing, witnesses testified that the collapse of the private construction market and lower than anticipated bids for Recovery Act infrastructure projects, along with State transportation cuts and the high unemployment rate in the construction industry, demonstrated that the construction industry was operating far below its capacity.

The Committee also received information from AASHTO and APTA about the availability of additional ready-to-go highway and transit projects and the need to enact additional economic recovery legislation with infrastructure investment. As documented in a December 2009 AASHTO survey of State Departments of Transportation, there were 7,497 ready-to-go highway and bridge projects, totaling $47.3 billion. Furthermore, according to a December 2009 APTA survey, there were more than $15 billion of ready-to-go transit projects.

The GAO witness testified that bids for infrastructure projects had come in much lower than expected. For example, California, Georgia, and Texas awarded more than 90 percent of their highway contracts for less than their cost estimates. These lower than anticipated bids allowed States to pursue additional projects with Recovery Act funds. In addition, a construction industry witness also noted the overall rise in the actual number of bidding contractors on infrastructure projects. His finding demonstrated that there remained substantial capacity in the private sector to construct additional public infrastructure projects.

On February 23, 2010, the Committee held a hearing to receive testimony on implementation efforts of the Recovery Act in programs across the Committee’s jurisdiction. At this Recovery Act one-year anniversary hearing, the Committee received testimony from six Federal agencies and Amtrak implementing programs under the Committee’s jurisdiction.

EPA testified that all states met the Recovery Act requirement that all Clean Water funds be under contract or construction within one year of the date of enactment (February 17, 2010). DOT testified about its successful implementation of highway, transit, aviation, and small shipyard programs. The Committee also received testimony on DOT's recently announced high-speed rail and Transportation Investment Generating Economic Recovery (TIGER)
grants. Secretary LaHood had recently announced 51 TIGER grants in 40 States and the District of Columbia, totaling $1.5 billion. DOT had also recently announced $8 billion in Recovery Act grants to develop the United States’ first nationwide program of high-speed intercity passenger rail service.

The Committee reviewed transparency and accountability information submitted to the Committee directly by States, metropolitan planning organizations (MPOs), and public transit agencies, as of January 31, 2010. These recipients reported that 10,348 underway highway, transit, and wastewater infrastructure formula projects have created or sustained nearly 300,000 direct, on-project jobs. Total employment from these projects, which includes direct, indirect, and induced jobs, reached over 938,000. Direct job creation from these projects resulted in payroll expenditures of $1.5 billion. The Committee further calculated that these direct jobs resulted in Federal taxes paid totaling $310 million and unemployment checks avoided worth $254 million.

THE WATER RESOURCES DEVELOPMENT ACT OF 2007: A REVIEW OF IMPLEMENTATION IN ITS THIRD YEAR

On March 3, 2010, the Committee held a hearing to receive testimony on implementation of the Water Resources Development Act of 2007 (WRDA 2007). The Committee received testimony from Assistant Secretary of the Army (Civil Works) Jo-Ellen Darcy; Chief of Engineers, U.S. Army Corps of Engineers (Corps); and other stakeholders.

WRDA 2007 was enacted on November 8, 2007, over the veto of President George W. Bush. Since that time, the Committee has aggressively monitored the progress, or lack thereof, of the Department of the Army and the Corps in implementing the law.

On March 3, 2010, the Majority staff of the Committee issued a report, entitled The Water Resources Development Act of 2007, Public Law 110–114, a Report on Implementation in the Third Year, that described the lack of progress in implementing WRDA 2007’s key provisions. While that report described several shortcomings in implementation of WRDA 2007, the significant programmatic reform areas of independent review, mitigation, and revisions to the planning principles and guidelines received substantial attention.

At the hearing, Members discussed the report’s findings with the Assistant Secretary of the Army and Chief of Engineers of the Corps. Several witnesses testified on the shortcomings of WRDA 2007 implementation.

The Committee continues to work with the Army and stakeholders to ensure that the provisions of WRDA 2007 are implemented and that the projects authorized for construction in that law are carried out consistent with Congressional intent.

RECOVERY ACT: PROGRESS REPORT FOR HIGHWAY, TRANSIT, AND WASTEWATER INFRASTRUCTURE FORMULA INVESTMENTS

On March 26, 2010, the Committee held a hearing to receive testimony on implementation of Recovery Act transportation and infrastructure formula programs, including highways, transit, and wastewater infrastructure. The Committee received testimony from
the Director, Iowa Department of Transportation, and representing AASHTO; General Manager, Des Moines Area Regional Transit Authority, and representing APTA; Deputy Director, Minnesota Public Facilities Authority, and representing the Council of Infrastructure Financing Authorities; representatives of construction companies; and construction workers.

The Committee received testimony from state and local officials on the successful implementation of the highway, transit, and wastewater infrastructure formula programs. As of the hearing date, every Recovery Act dollar available under the Clean Water program was under contract. Furthermore, all states and public transit agencies had obligated 100 percent of their Recovery Act highway and transit formula funds.

The Committee also heard testimony from two workers whose jobs were saved because of the Recovery Act. The two workers shared their personal stories with the Committee.

THE DEPARTMENT OF TRANSPORTATION'S OVERSIGHT AND MANAGEMENT OF HAZARDOUS MATERIALS SPECIAL PERMITS AND APPROVALS

On April 22, 2010, the Committee held a hearing to receive testimony on PHMSA's efforts to improve its special permits and approvals programs and address the findings of the Committee investigation of PHMSA, as outlined in the September 10, 2009 Committee hearing. The Committee received testimony from the Deputy Secretary of Transportation; DOT IG; and other stakeholders.

On November 4, 2009, Chairman James L. Oberstar introduced H.R. 4016, the “Hazardous Material Transportation Safety Act of 2009”. As a result of the hearings and Committee investigation, section 401 of the bill specifically addresses shortcomings in special permits and approvals. The bill:

- maintains PHMSA’s ability to issue special permits if the authorized activity is carried out in a manner that achieves a safety level at least equal to the safety level required under chapter 51 of title 49, United States Code; or is consistent with the public interest and chapter 51, if a required safety level does not exist;
- requires PHMSA to determine that an applicant for a special permit or approval is fit, willing, and able to conduct the activity authorized by the special permit or approval in a safe manner. In making the determination, the Secretary will consider the applicant’s safety history (including prior compliance history), accident and incident history, and any other information that the Secretary considers appropriate to make such a determination;
- requires PHMSA to consult and coordinate with the Federal Aviation Administration, Federal Motor Carrier Safety Administration, and the Federal Railroad Administration (FRA) prior to issuing a special permit or approval;
- requires PHMSA to publish all special permits, including emergency special permits, and approvals in the Federal Register for public review and comment; and
- authorizes PHMSA to establish a reasonable fee for processing applications for special permits and approvals.
The Deputy Secretary testified about the number of improvements it had made to the special permits and approvals programs, many of which are required under H.R. 4016. The DOT IG testified that, although PHMSA has made progress in its administration of special permits and approvals, substantial work still remains.

**Deepwater Horizon: Oil Spill Prevention and Response Measures and Natural Resource Impacts**

On May 19, 2010, the Committee held a hearing to receive testimony on the *Deepwater Horizon* oil spill. The Committee received testimony from Administrator of Environmental Protection Jackson; Under Secretary of Commerce for Oceans and Atmosphere and National Oceanic and Atmospheric Administration (NOAA) Administrator Dr. Jane Lubchenco; Director, Minerals Management Service (MMS); Assistant Commandant for Marine Safety, U.S. Coast Guard; President, PB, p.l.c.; President and Chief Executive Officer, Transocean Ltd.; and other stakeholders.

Witnesses testified on Federal agency actions, to date, to respond to the explosion and sinking of the *Deepwater Horizon*, and to oversee the actions of the responsible party, BP, to clean up the estimated 4.9 million barrels of oil released into the Gulf of Mexico.

In addition, several witnesses expressed concern about the potential long-term impacts of the oil spill on the natural resources of the Gulf and on the lives and livelihoods of those who rely on the sustainability of these resources. Witnesses also expressed concern with the short- and long-term impacts from the use of unprecedented volumes of chemical dispersants in response to the oil spill, as well as the limited toxicological information that exists to fully assess the risk of use of chemical dispersants to organisms exposed to dispersants and dispersed oil. Finally, witnesses expressed concern with the lack of resources (from both Federal agencies and industry) devoted to oil spill response research, including one witness who suggested that the “lack of knowledge limits our ability to respond effectively to spills, and increases the risk of damage to natural resources and the environment.”

**Recovery Act: Progress Report for Infrastructure Investments**

On May 26, 2010, the Committee held a hearing to receive testimony on Recovery Act implementation of infrastructure investments, including waterways, flood control, water resource development, wastewater treatment facilities, hazardous waste cleanups, economic development, and Federal buildings. The Committee received testimony from Assistant Administrator for Administration and Resources Management, EPA; Deputy Assistant Secretary of the Army (Civil Works); Assistant Secretary for Economic Development, U.S. Department of Commerce; and other stakeholders.

The GSA witness specifically testified that contracts had been awarded and work had begun on 406 projects worth $4.1 billion, representing 74 percent of GSA's total apportionment. The Department of the Army explained that the Corps had obligated $3.5 billion for 791 Recovery Act projects, representing 77 percent of the total amount of Recovery Act funds allocated to the Corps. The Eco-
nomic Development Administration (EDA) testified how it had awarded all grants by September 25, 2009, and had already broken ground on 20 of 68 planned projects totaling $45 million, or 31 percent of EDA's Recovery Act funds.

The Committee also received testimony from three private-sector witnesses that received Recovery Act contracts. These companies included a dredging equipment manufacturer, construction company, and ecological design firm. All three witnesses testified about the importance of the Recovery Act to their business and how these funds have allowed them to create or sustain needed employment.

LIABILITY AND FINANCIAL RESPONSIBILITY FOR OIL SPILLS UNDER THE OIL POLLUTION ACT OF 1990 AND RELATED STATUTES

On June 9, 2010, the Committee held a hearing to receive testimony on liability and financial responsibility for oil spills under the Oil Pollution Act and related statutes. The Committee received testimony from Members of Congress, Federal agency representatives from the U.S. Department of Justice, MMS, and the U.S. Coast Guard's National Pollution Funds Center, representatives of the oil and insurance industries, and other stakeholders.

Witness testimony focused on whether the current liability limits of the Clean Water Act and Oil Pollution Act of 1990 should be increased, and whether the amount of financial responsibility that oil-related facilities and vessels are required to demonstrate for liabilities associated with oil spills should be increased. The testimony also examined whether any increases in liability limits can and should be increased retroactively to apply to the Deepwater Horizon explosion.

The testimony from various witnesses differed on whether and to what level liability and certificate of financial responsibility (COFR) limits should be increased. Generally speaking, oil and insurance industry representatives expressed caution on raising existing limits, suggesting that individual oil producers and the private insurance market had a limited capacity to meet potential increases in liability limits. The Federal agency witnesses expressed the support of the Obama administration for "a significant increase in liability for offshore oil and gas developers whose actions pollute our oceans and coastlines and threaten our wildlife and other natural resources" and for "removing caps on liability for oil companies engaged in offshore drilling." The representative from the U.S. Coast Guard also testified on the agency's support for increasing the liability limits of vessels to facilitate "a more equitable division of risk between the [Oil Spill Liability Trust] Fund and responsible parties, have a positive impact on the balance of the Fund, and reduce the Fund's overall risk position." One witness suggested that the "removal, or substantial increase, of the liability cap on economic damages from oil spills is the most effective way to align oil companies' incentives with the American people's interests."

Regarding the issue of the constitutionality of retroactive application of increases in liability, the Department of Justice witness testified that, although the Obama administration formally recommended prospective application of any increases in liability, "there are very strong arguments that Congress could enact legislation that would have a retroactive effect," and that "there are
strong arguments with respect to [its] constitutional defense,” such as the rational legislative purpose to provide adequate compensation and cleanup of oil spills, and a questionable legal reliance on existing liability limits by the oil industry.

**RECOVERY ACT: PROGRESS REPORT FOR TRANSPORTATION INFRASTRUCTURE INVESTMENTS**

On July 27, 2010, the Committee held a hearing to receive testimony on Recovery Act implementation efforts in transportation programs under the Committee's jurisdiction. The Committee received testimony from Secretary of Transportation LaHood and other stakeholders.

The Secretary testified DOT’s efforts to implement programs receiving funding under the Recovery Act. The Secretary cited numerous examples of workers who credit their jobs to Recovery Act transportation investments. The Secretary discussed people who work directly at job sites, including a superintendent at a new air traffic control tower construction project, as well as workers whose jobs are indirectly impacted by the Recovery Act, including the owner of a restaurant outside an Amtrak facility that will restore rail cars to service.

Private-sector witnesses explained that the Recovery Act allowed them to keep workers employed and avoid deep layoffs. They also expressed their concern about the lack of a long-term surface transportation authorization law, and encouraged lawmakers to pass this legislation and consequently create millions of jobs.

**ENBRIDGE PIPELINE OIL SPILL IN MARSHALL, MICHIGAN**

On September 15, 2010, the Committee held a hearing to receive testimony on the Enbridge pipeline failure that occurred on July 25, 2010, in Marshall, Michigan. The Committee received testimony from Administrator of Environmental Protection Jackson; Deputy Secretary of Transportation; Chairman, National Transportation Safety Board (NTSB); a senior scientist of the National Institute of Environmental Health Sciences, National Institutes of Health; President and Chief Executive Officer, Enbridge, Inc.; residents of Battle Creek and Marshall, Michigan; and other stakeholders.

The pipeline failure resulted in the release of an estimated one million gallons of crude oil into Talmadge Creek and the Kalamazoo River. The Kalamazoo River flows into Lake Michigan.

On August 2, 2010, in response to a request from Representative Mark H. Schauer, the Committee launched an investigation of the Enbridge pipeline failure in Marshall, Michigan. The Committee requested numerous documents from Enbridge, DOT, and EPA related to the ruptured pipeline. Committee staff also conducted nearly 100 interviews with residents impacted by the Line 6B rupture in Marshall, Michigan, in addition to interviews of Enbridge, Federal, state, and local officials.

As a result of the Committee investigation, the Committee identified numerous safety deficiencies with operation of the pipeline, including Enbridge’s failure to address numerous volume imbalance alarms that had sounded in the days leading up to the spill, and
to address more than 329 defects on Line 6B which required repair within 60 to 180 days under Federal regulations.

The Committee also discovered evidence that Enbridge pressured residents affected by the oil spill to waive their rights to seek damages in exchange for minimal relief services such as air purifiers or motel reimbursements and to sign authorization forms for the release of all medical records to the company. On September 1, 2010, Chairman James L. Oberstar and Representative Schauer sent letters to the U.S. Department of Justice and U.S. Department of Health and Human Services (HHS) requesting inquiries into Enbridge’s practices relating to the liability releases and medical information forms. Chairman Oberstar and Representative Schauer also wrote to Enbridge regarding the allegation, and asked Enbridge to voluntarily rescind any and all releases of full and final settlement and any and all authorizations for releases of medical records that had been signed pursuant to the oil spill in Marshall, Michigan. They requested an immediate halt of Enbridge’s practice of asking residents to sign the forms, and asked for copies of all signed forms and related materials.

On September 3, 2010, Enbridge sent a letter to Chairman Oberstar and Representative Schauer stating that residents or businesses that were not satisfied with the claims process or Enbridge’s approach would have the option to seek legal recourse. Enbridge committed to reviewing its claims process and discontinuing the use of releases that precluded the claimant from bringing future claims for physical injuries or medical conditions that result from the leak until Enbridge has an opportunity to meet with the parties to the letter. Enbridge also agreed to discontinue its efforts to obtain authorizations for release of medical information.

In response to the Committee letter, on September 7, 2010, Secretary of Health and Human Services Secretary Kathleen Sebelius sent a letter to Patrick Daniel, President and Chief Executive Officer of Enbridge, which stated that,

[if the reports were accurate that the company had] . . . misled or coerced individuals to sign forms authorizing the release of personal medical records to Enbridge upon referral to a local family health center; that these forms authorize the disclosure of an inappropriately broad amount of medical information, including information wholly unrelated to their current conditions or complaints; that the form could be directed to any provider, not only the one(s) to which the patient has sought treatment for the potentially oil spill-related condition; and that Enbridge has failed to adequately inform these individuals of their privacy rights under the Health Insurance Portability and Accountability Act (HIPAA) . . . that the company’s actions are a deplorable affront to patients’ privacy rights.

Secretary Sebelius urged Enbridge to cease such practices immediately. She also reported to the Committee that Enbridge’s form was not HIPAA compliant.

Witnesses from DOT, EPA, and NTSB discussed their ongoing investigations of the pipeline rupture and efforts to ensure cleanup of the affected areas. A panel of Michigan witnesses testified about
the significant impact of the spill on the local community. A witness from the National Institute of Environmental Health Sciences focused on the health impact of oil spills.

Subsequent to the hearing, the House passed H.R. 6008, the “Corporate Liability and Emergency Accident and Notification Act”, as a first step toward holding pipeline operators accountable for oil spills and requiring prompt reporting of pipeline incidents.

**Residential Through-the-Fence Agreements at Public Airports: Action to Date and Challenges Ahead**

On September 22, 2010, the Committee held a hearing to receive testimony on the legal and safety dilemmas that have emerged at public-use airports whose sponsors have granted an exclusive right of airport access to the owners of residential property adjacent to those airports. The Committee received testimony from Representative Kurt Schrader; Acting Associate Administrator, Office of Airports, FAA; state aviation program managers; airport managers; and other stakeholders.

The so-called “through-the-fence” agreements that create this access have created concern among some Federal, state, and local officials because the agreements limit airport sponsors’ rights and powers to use airport land for expansion, enhancement, and other public purposes. The officials are concerned because residential through-the-fence agreements encourage the use of land along airport perimeters for residential purposes—a use that is incompatible with aviation operations. When through-the-fence agreements prevent airport sponsors from expanding or enhancing airports to serve public needs, the agreements may frustrate the purpose of Federal investment in those airports.

To date, FAA policy, as applied, has discouraged residential through-the-fence agreements. On September 9, 2010, the FAA published, in the Federal Register, a statement of proposed revisions to its policy on residential through-the-fence agreements; the proposal would preclude new residential through-the-fence access at airports where none exists presently and would require airport officials to take steps to reduce the ill effects of existing through-the-fence access.

The Committee heard testimony from the FAA’s Acting Associate Administrator for Airports and state and local airport officials regarding the legal and safety dilemmas that have arisen by virtue of residential through-the-fence agreements. The Acting Associate Administrator described the FAA’s efforts to reduce the unwanted effects of through-the-fence access. The president of an airport business association testified about the policy implications of permitting through-the-fence access without adequate safeguards. On the other hand, a state aviation official and a landowner who enjoys through-the-fence access to his local airport testified about the economic benefits that through-the-fence access provides for local airports in some cases.

The period for public comments on the FAA’s proposed policy revisions ended on October 25, 2010. FAA officials are reviewing the submitted comments to determine how to proceed with the proposed revisions to the through-the-fence policy.
RECOVERY ACT TRANSPORTATION AND INFRASTRUCTURE PROJECTS: IMPACTS ON LOCAL COMMUNITIES AND BUSINESS

On September 29, 2010, the Committee held a hearing to receive testimony on Recovery Act implementation efforts in programs across the Committee’s jurisdiction. The Committee received testimony from the Director, Baltimore Department of Public Works; Executive Director, Foothill Transit; Chief Executive Officer, Community Transit; Executive Director, Metropolitan St. Louis Sewer District, and representing the National Association of Clean Water Agencies; Airport Director, Northwest Arkansas Regional Airport Authority, and representing the American Association of Airport Executives; and construction workers.

Two workers—a Columbus, Indiana construction laborer and an electrician at a Minnesota bus manufacturer—testified about their work on Recovery Act projects. These workers, along with the community leaders and business people who testified, pointed to projects on the ground that have positively impacted the livelihood of people and their communities.

The Committee also reviewed transparency and accountability information submitted to the Committee directly by States, MPOs, and public transit agencies, as of August 31, 2010. Those recipients reported that work had begun on 18,365 projects totaling $33.9 billion, representing 89 percent of the total available highway, transit, and wastewater formula funds. During the first year of implementation (February 17, 2009, through February 28, 2010), these projects created or sustained nearly 350,000 direct, on-project jobs. Total employment, which includes direct, indirect, and induced jobs, reached almost 1.2 million jobs. During August 2010, the Recovery Act created or sustained 71,000 direct, on-project jobs. Total employment in August 2010, reached nearly 225,000 jobs. In total, direct job creation from these formula projects had resulted in payroll expenditures of $3.8 billion. Using this data, the Committee calculated that $644 million in unemployment checks have been avoided as a result of this direct job creation. Furthermore, these direct jobs have caused nearly $780 million to be paid in Federal taxes.

Activities and Investigations

“REINCARNATED” MOTOR CARRIERS

On August 8, 2008, a bus operated by Iguala BusMex blew a front tire and veered off a highway near Sherman, Texas, killing 17 members of a Vietnamese religious group. Iguala BusMex was registered to Angel de la Torre, former owner of Angel Tours, which the U.S. Department of Transportation (DOT) ordered out-of-service just six weeks earlier after finding a “total and complete breakdown of management controls.” Within days of the shutdown of Angel Tours, de la Torre submitted an application to register Iguala BusMex as a new entity, using the same address, the same vehicles, and the same drivers as Angel Tours. The Federal Motor Carrier Safety Administration (FMCSA) acknowledges that this practice, in which the new carriers are alternately referred to as “reincarnated”, “morphed”, or “chameleon” carriers, is widespread
throughout the motor carrier industry. An internal FMCSA memo from 2005 stated, “In reviewing the history of actions involving out of service orders for [unsatisfactory] carriers and carriers ordered to cease operations for failure to pay civil penalties, it has become clear a significant number of these carriers are reincarnating or morphing into new business entities, and continuing to operate.”

At the request of the Committee, the Government Accountability Office (GAO) investigated the extent to which troubled motor coach operators are able to “reincarnate” and thus evade enforcement actions, skirt out-of-service orders, or continue to operate without correcting the flagrant safety violations that led to the company’s shutdown.

In a report dated July 31, 2009, GAO identified 20 motor coach companies that reincarnated from the 220 carriers FMCSA placed out of service in fiscal years 2007 and 2008. This represented about nine percent of out-of-service carriers. GAO acknowledged that the problem is likely “understated” as there was no way to identify owners who lied or purposely provided false information on their application to hide the reincarnation.

One of these companies had been cited by FMCSA with 78 safety violations during the two-year period. Fifteen companies were cited for violations of the FMCSA drug and alcohol testing rules, six were cited for driver qualification violations, and five were operating without authority or in violation of an out-of-service order. GAO concluded, “[w]e believe that these carriers reincarnated into new companies to evade fines and avoid performing the necessary corrective actions.”

FMCSA admitted that reincarnation has been relatively simple for carriers to do and hard for FMCSA to detect. In August 2008, FMCSA instituted a process to identify violators by checking applicant information against “poor-performing carriers” in their database. Still, GAO found that two carriers were able to reincarnate even with FMCSA’s new vetting process in place. FMCSA stated that once a reincarnated carrier is identified, the agency faces legal hurdles, such as proving corporate successorship, to deny a carrier operating authority.

**CORPS OF ENGINEERS ORGANIZATIONAL STRUCTURE AND PROCESSES**

The Committee has had continuing concerns that the civil works program of the U.S. Army Corps of Engineers (Corps) is not as efficient as it could be in the development of proposals for and construction of projects and programs within its jurisdiction.

To examine possible causes of these inefficiencies, the Committee requested that GAO examine the Corps for possible areas of improvement. There had not been an external review of the Corps structure in decades. There are serious questions as to whether the Corps structure, developed in the early 20th Century, adequately addresses the needs of the nation in the 21st Century.

In preparing the report, GAO developed a historical context for the current structure of the Corps, and conducted scores of interviews with current and past leaders and interested parties.

GAO made four recommendations. Although GAO was not able to get to the level of detail necessary to address the fundamental issue of why projects cost so much and take so long, each rec-
ommendation was designed to improve the efficiency of the civil works program.

The recommendations for the Corps are:

- Review and revise the roles and responsibilities of each component level of the Corps to ensure that they are clearly articulated in agency guidance. GAO found evidence that different levels in the organization do not clearly understand their roles and responsibilities.
- Re-evaluate the Centers of Expertise within the Corps and develop a process to help ensure that the Centers are consistently used across the agency. Centers of Expertise are intended to improve the quality of the Corps planning process, but they are not consistently used by Corps districts.
- Determine the extent to which the agency’s technical guidance needs to be updated, create a schedule for completing these updates, and if additional funding is needed to accomplish these updates, provide this information to Congress.
- Work with Congress to develop a more stable project funding approach that facilitates project implementation and that provides more efficient and effective use of funds. The Corps’ funding process creates inefficiencies by spreading funds among too many ongoing projects, and by the uncertainty of single-year appropriations.

In developing the report, GAO looked at broader organizational issues, but made no recommendations on addressing the number of offices, overhead, or other money and time-saving issues. The report indicated that some of the officials interviewed questioned whether the Corps program and budget could continue to sustain 38 autonomous Corps districts.

AMERICA’S CLEAN WATER FOUNDATION

Between 1998 and 2004, America’s Clean Water Foundation (ACWF), a District of Columbia-based environmental non-profit entity, received more than $25 million in Congressionally-designated grants to perform environmental risk assessments at hog farms and other animal production facilities. In 2005, the Foundation’s external auditors discovered that ACWF’s recently deceased financial manager had embezzled more than $1 million in predominantly Federal funds from the Foundation and its co-located sister agency, the Association of State and Interstate Water Pollution Control Administrators (ASIWPCA). This discovery prompted the Environmental Protection Agency’s Inspector General (EPA IG) to audit the associations’ Federally-funded grants. The EPA IG found that the Foundation was unable to provide support for the expenditure of $21 million of the $25 million in Federal funds it examined.

Ultimately, ACWF chose to disband and legally filed articles of dissolution with the District of Columbia. As a result, EPA was not able to recover any of the questioned costs nor was it able to determine how the funds had been used.

The Committee was interested in determining whether the missing funds had been used in ways that personally benefitted the employees of the Foundation or violated the Federal Acquisition Regulations governing use of Federal funds. As such, the Committee requested (and subpoenaed) bank account records, insurance policies,
expense reports, expense vouchers, payroll records, email repositories, and electronic data stored on the associations' servers. From these data, Committee staff identified numerous dubious expenses. For example, staff identified questionable charges for employee benefits, staff living expenses, entertainment, travel, spa, and restaurant meals. The Executive Director of ACWF simultaneously drew full-time salaries and benefits from both ACWF and its sister association ASIWPCA, which, combined, exceeded the salary of the Vice President of the United States. Although both associations were located in Washington, D.C., and required a full-time Washington presence, the Executive Director claimed her primary residence in a resort town on the eastern shore of Delaware and charged the Foundation for her weekly commuting expenses. The ACWF Board also agreed to pay the rent and utilities for a $2,400 per month apartment in Washington, D.C., for the Director to reside in during the week.

Despite a lack of management oversight which allowed these abuses and the embezzlement to occur, the Director left the bankrupt associations with hundreds of thousands of dollars in severance and insurance policies. She had purchased insurance policies on her own authority without knowledge of or approval by the Board.

As a result of the Committee's investigation, the surviving association, ASIWPCA, has instituted numerous procedures and policies to ensure that appropriate internal controls are in place and that the Board is aware of and actively exercising its oversight responsibilities. EPA has also been proactive in auditing Federal grants and contracts, including Congressionally-directed spending, which EPA had previously relegated to a lower priority because of Congressional direction on funding.

NATIONAL DEFENSE RESERVE FLEET

The Committee continued its oversight of the Maritime Administration's (MARAD) National Defense Reserve Fleet (NDRF). MARAD maintains the NDRF, which consists of Ready Reserve Fleet (RRF) vessels, and non-retention vessels that are not operational due to deterioration.

When the Committee began its oversight, MARAD maintained approximately 140 non-retention vessels that are in need of disposal. Many of these vessels contain hazardous materials. The vessels are located at Suisan Bay, California; James River, Virginia; and Beaumont, Texas. MARAD has been unable to arrange for and fund the disposal of these vessels in recent years, and has missed deadlines for disposal set by the NDRF. In 2007, MARAD began, proceeding with ship disposal at the Virginia and Texas locations. However, the San Francisco Bay Regional Water Quality Control Board expressed concern that the exfoliating paint of the vessels violated the Clean Water Act, and the dispute resulted in legal action. In April 2010, MARAD reached a settlement with the California plaintiffs and has begun successfully moving ships from Suisun Bay on an agreed upon time table. These vessels should be complete by fiscal year 2017. At this time, 46 vessels remain in California, 17 vessels remain in Virginia, and 11 vessels remain in Texas.
The Committee reviewed the activities of the Coast Guard as it relates to setting rates for pilot services on the U.S. portion of the Great Lakes. The Coast Guard is responsible for establishing the number of pilots that will be available on the Great Lakes, and the rates that the pilots may charge for services.

The Committee was provided information indicating that the process for setting the number of pilots and rates was not objective and transparent. A review of the process was conducted and it revealed that the Coast Guard failed to meet its responsibilities for setting pilotage rates in a timely manner. The review also indicated that there likely was personal animosity between the pilots and the Coast Guard.

Chairman James L. Oberstar informed Secretary of Homeland Security Janet Napolitano about the failure of the Coast Guard to meet its statutory responsibilities and called for specific plans to rectify shortcomings. Chairman Oberstar also called on Secretary Napolitano to ensure that future ratemakings are transparent, fair, and objective. Finally, the Chairman noted that the relations among Coast Guard personnel, pilots, and the shipping community could be improved, and requested that appropriate steps be taken to ensure that the ratemaking process, and its implementation, proceeds as smoothly and seamlessly as possible.
SUMMARY OF ACTIVITIES FOR
THE SUBCOMMITTEE ON AVIATION

During the 111th Congress, the Subcommittee on Aviation, chaired by Representative Jerry F. Costello, with Representative Thomas E. Petri serving as Ranking Member, held 20 hearings (164 witnesses and approximately 47 hours) and 14 Members' briefings and roundtables, covering a breadth of issues within the jurisdiction of the Subcommittee.

The Committee on Transportation and Infrastructure developed major legislation, H.R. 3371, the “Airline Safety and Pilot Training Improvement Act of 2009”, to strengthen pilot qualifications and improve airline safety. The provisions of this bill were included in Public Law 111–216, the Airline Safety and Federal Aviation Administration Extension Act of 2010. In addition, the Committee developed H.R. 915, the “FAA Reauthorization Act of 2009”, to reauthorize the Federal Aviation Administration (FAA) and provide $53.5 billion over three years for FAA programs. On May 21, 2009, the House passed H.R. 915 by a roll call vote of 277–136.

In addition, the Committee developed H.R. 4714, the “National Transportation Safety Board Reauthorization Act of 2010”, which reauthorizes the National Transportation Safety Board (NTSB) for fiscal years (FYs) 2011 through 2014 and makes a number of statutory changes to explicitly define the NTSB’s authority. The legislation authorizes appropriations necessary to permit the agency to continue its critical work of investigating and determining the causes of aviation incidents and accidents. On September 28, 2010, the House passed H.R. 4714 passed by voice vote.

The following bills and resolutions were enacted in the 111th Congress:

- Public Law 111–216, the Airline Safety and Federal Aviation Administration Extension Act of 2010,
- Public Law 111–329, the Airport and Airway Extension Act of 2010, Part IV,
- Public Law 111–249, the Airport and Airway Extension Act of 2010, Part III,
- Public Law 111–197, the Airport and Airway Extension Act of 2010, Part II,
- Public Law 111–161, the Airport and Airway Extension Act of 2010,
- Public Law 111–153, the Federal Aviation Administration Extension Act of 2010,
- Public Law 111–116, Fiscal Year 2010 Federal Aviation Administration Extension Act, Part II,
- Public Law 111–69, Fiscal Year 2010 Federal Aviation Administration Extension Act,
• Public Law 111–12, Federal Aviation Administration Extension Act of 2009,
• Public Law 111–326, to designate the airport traffic control tower located at Spokane International Airport in Spokane, Washington, as the “Ray Daves Airport Traffic Control Tower”,
• S. Con. Res. 61, expressing the sense of the Congress that general aviation pilots and industry should be recognized for the contributions made in response to Haiti earthquake relief efforts,
• H. Res. 84, honoring the heroic actions of the pilot, crew, and rescuers of US Airways Flight 1549,
• H. Res. 183, expressing condolences to the families, friends, and loved ones of the victims of the crash of Continental Connection Flight 3407,
• H. Res. 472, congratulating and saluting the seventieth anniversary of the Aircraft Owners and Pilots Association and their dedication to general aviation, safety and the important contribution general aviation provides to the United States,
• H. Res. 508, expressing the sense of the House of Representatives that the general aviation industry should be recognized for its contributions to the United States,
• H. Res. 719, commending Russ Meyer on his induction into the National Aviation Hall of Fame,
• H. Res. 1284, supporting the goals and ideals of International Learn to Fly Day,
• H. Res. 1401, expressing gratitude for the contributions that the air traffic controllers of the United States make to keep the traveling public safe and the airspace of the United States running efficiently,
• H. Res. 1473, supporting backcountry airstrips and recreational aviation, and
• H. Res. 1669, congratulating the National Air Transportation Association for celebrating its 70th anniversary.

Other bills and resolutions that passed the House include:
• H.R. 915, the “FAA Reauthorization Act of 2009”,
• H.R. 4714, the “National Transportation Safety Board Reauthorization Act of 2010”,
• H.R. 1178, directing the Comptroller General of the United States to conduct a study on the use of Civil Air Patrol personnel and resources to support homeland security missions, and
• H. Con. Res. 138, recognizing the 40th anniversary of the George Bush Intercontinental Airport in Houston, Texas.
Public Laws and Resolutions

AIRLINE SAFETY AND FEDERAL AVIATION ADMINISTRATION EXTENSION ACT OF 2010

Public Law 111–216
(H.R. 5900)
(See also H.R. 3371)
August 1, 2010


In addition, the law incorporates the provisions of H.R. 3371, the “Airline Safety and Pilot Training Improvement Act of 2009”. These provisions require meaningful improvements to the safety of U.S. airline operations. The law increases pilot training, qualifications, screening and professional development. It establishes an FAA Task Force that will identify aviation industry best practices regarding: pilot training, pilot professional standards, and intercarrier information sharing, mentoring and other safety-related practices. In addition, the law requires the FAA to ensure that pilots are trained on stall recovery and upset recovery, and that airlines provide remedial training. The law mandates that the FAA convene a multidisciplinary panel on pilot training for stick pusher operations (which pulls an aircraft out of a stall), and to implement the recommendations of the panel. Further, it requires the Secretary of Transportation to provide an annual report to Congress on how the agency is addressing each open National Transportation Safety Board (NTSB) recommendation pertaining to part 121 (commercial) air carriers.

The law requires airline pilots to hold an Airline Transport Pilot (ATP) certificate, which requires a prerequisite of 1,500 flight hours. Additionally, the law mandates that the FAA raise other minimum requirements for the ATP certificate, to include training to function effectively in an air carrier operational environment; adverse weather conditions, including icing; high altitude operations; and a multi-pilot crew. It also enables the FAA to consider allowing certain academic training to be counted towards the 1,500-hour ATP certificate requirement. The law establishes comprehensive pre-employment screening of prospective pilots and establishes a pilot records database to provide airlines with fast, electronic access to a pilot’s comprehensive record. In addition, the law
requires the FAA to convene a multidisciplinary panel on pilot training for weather events.

To address issues related to pilot fatigue, the law directs the FAA to update and implement new pilot flight- and duty-time rules and fatigue risk management plans to more adequately track scientific research in the field of fatigue. The law also studies the impact of pilots’ commuting practices on fatigue and provides preliminary results to the FAA to be considered as part of the flight- and duty-time rulemaking.

The law emphasizes the importance of voluntary safety programs, which create a partnership between pilots and airline management to voluntarily disclose safety problems without fear of punishment. It directs the FAA to develop and implement a plan to facilitate the establishment of an Aviation Safety Action Program and a Flight Operational Quality Assurance program by all commercial airlines and their unions. The law also requires the FAA to report on several of its safety programs, including an analysis of which airlines are using the programs; how the FAA will expand the use of the programs; and how the FAA is using data from the programs as safety analysis and oversight tools for aviation safety inspectors.

The law directs the Government Accountability Office (GAO) to conduct a study of: pilot academic training requirements; pilot education provided by accredited two- and four-year colleges/universities; foreign academic requirements; the FAA’s oversight of flight schools; and student loan options available to student pilots. In addition, the law requires the Department of Transportation Inspector General (DOT IG) to study the FAA’s safety oversight tools and resources used to oversee regional airlines. To enhance consumer transparency, the law mandates that Internet websites that sell airline tickets disclose to the purchaser on the first page of the website the air carrier that operates each segment of the flight.

AIRPORT AND AIRWAY EXTENSION ACT OF 2010, PART IV

Public Law 111–329
(H.R. 6473)
December 22, 2010

The most recent long-term FAA reauthorization act, Vision 100, expired September 30, 2007. In 2009, the House passed H.R. 915, the “FAA Reauthorization Act of 2009”. In March 2010, the Senate passed its own comprehensive FAA reauthorization act. As of December 2, 2010, the House and Senate have not been able to resolve the differences between both bills.

Pending final enactment of a long-term reauthorization bill, Congress has passed a series of short-term acts extending the FAA’s authority to administer aviation programs and to receive tax proceeds. The authority extended by a prior extension act, P.L. 111–249, expires December 31, 2010. Because work to reconcile the long-term bills passed by the House and Senate may not be completed before the current authority for aviation programs expires,
Public Law 111–329 extends that authority through March 31, 2011.

The Airport and Airway Extension Act of 2010, Part IV (P.L. 111–329) extends the authorization of appropriations for aviation programs; excise taxes on aviation fuels and air transportation of persons and property; and the expenditure authority for the Airport and Airway Trust Fund through March 31, 2011. This legislation also extends through March 31, 2011, various airport development projects, including: (1) the pilot program for passenger facility fees at nonhub airports; (2) small airport grants for airports located in the Marshall Islands, Micronesia, and Palau; (3) state and local airport land use compatibility projects; (4) the authority of the Metropolitan Washington Airports Authority to apply for an airport development grant and impose a passenger facility fee; (5) the temporary increase to 95 percent in the government share of certain Airport Improvement Program (AIP) project costs; and (6) Midway Island airport development. It also extends through March 31, 2011, AIP projects and project grant authority, as well as the U.S. Department of Transportation (DOT) insurance coverage for domestic and foreign-flag air carriers. Air carrier liability limits for injuries to passengers resulting from acts of terrorism are extended through June 30, 2011.

Airport and Airway Extension Act of 2010, Part III

Public Law 111–249
(H.R. 6190)
September 30, 2010


Airport and Airway Extension Act of 2010, Part II

Public Law 111–197
(H.R. 5611)
July 2, 2010

The most recent long-term FAA reauthorization act, Vision 100, expired September 30, 2007. In 2009, the House passed H.R. 915, the "FAA Reauthorization Act of 2009". In March, the Senate

**AIRPORT AND AIRWAY EXTENSION ACT OF 2010**

Public Law 111–161
(H.R. 5147)
April 30, 2010


**FEDERAL AVIATION ADMINISTRATION EXTENSION ACT OF 2010**

Public Law 111–153
(H.R. 4957)
March 31, 2010


**FISCAL YEAR 2010 FEDERAL AVIATION ADMINISTRATION EXTENSION ACT, PART II**

Public Law 111–116
(H.R. 4217)
December 16, 2009

The most recent long-term FAA reauthorization act, Vision 100, expired September 30, 2007. In 2009, the House passed H.R. 915, the “FAA Reauthorization Act of 2009”. Pending completion of a
long-term reauthorization bill, Congress has passed a series of short-term acts extending the FAA’s authority to administer aviation programs and to receive tax proceeds. The authority extended by a prior extension act, P.L. 111–12, expired on October 31, 2010. Public Law 111–69 extended the FAA’s necessary authority through December 31, 2010.

FISCAL YEAR 2010 FEDERAL AVIATION ADMINISTRATION EXTENSION
Act

Public Law 111–69

(H.R. 3607)

October 1, 2009


FEDERAL AVIATION ADMINISTRATION EXTENSION ACT OF 2009

Public Law 111–12

(H.R. 1512)

March 30, 2009

The Federal Aviation Administration Extension Act of 2009 (P.L. 111–12) extends the authorization of appropriations for aviation programs; excise taxes on aviation fuels and air transportation of persons and property; and the expenditure authority for the Airport and Airway Trust Fund through fiscal year (FY) 2009. This legislation also extends through FY 2009 various airport development projects, including: (1) the pilot program for passenger facility fees at nonhub airports; (2) small airport grants for airports located in the Marshall Islands, Micronesia, and Palau; (3) state and local airport land use compatibility projects; (4) the authority of the Metropolitan Washington Airports Authority to apply for an airport development grant and impose a passenger facility fee; (5) the temporary increase to 95 percent in the government share of certain AIP project costs; and (6) Midway Island airport development. It also extends, through FY 2009, AIP projects and project grant authority, as well as the DOT insurance coverage for domestic and foreign-flag air carriers. Air carrier liability limits for injuries to passengers resulting from acts of terrorism are extended through December 31, 2009.
TO DESIGNATE THE AIRPORT TRAFFIC CONTROL TOWER LOCATED AT SPOKANE INTERNATIONAL AIRPORT IN SPOKANE, WASHINGTON, AS THE “RAY DAVES AIR TRAFFIC CONTROL TOWER”

Public Law 111–326
(H.R. 5591)
December 22, 2010

This law designates the airport traffic control tower located at the Spokane International Airport in Spokane, Washington, as the “Ray Daves Air Traffic Control Tower”. Ray Daves was a radioman for the U.S. Navy at the Pacific Fleet Headquarters in Oahu, Hawaii, during the Japanese attack on Pearl Harbor. When World War II was over, Daves became a civilian air traffic controller at Geiger Field, later known as the Spokane International Airport, in Spokane, Washington. He worked as an air traffic controller there from 1946 to 1974.

EXPRESSING THE SENSE OF THE CONGRESS THAT GENERAL AVIATION PILOTS AND INDUSTRY SHOULD BE RECOGNIZED FOR THE CONTRIBUTIONS MADE IN RESPONSE TO HAITI EARTHQUAKE RELIEF EFFORTS

(S. Con. Res. 61)
May 12, 2010

S. Con. Res. 61 expresses the shared determination that Congress recognizes the many contributions of general aviation pilots and industry to the Haiti earthquake relief efforts. The concurrent resolution further encourages the continued generosity of general aviation pilots and operators in the ongoing humanitarian relief efforts in Haiti.

HONORING THE HEROIC ACTIONS OF THE PILOT, CREW, AND RESCUEUS OF US AIRWAYS FLIGHT 1549

(H. Res. 84)
January 26, 2009

H. Res. 84 honors the heroic actions of the pilot, crew, and rescuers of US Airways Flight 1549, which made an emergency landing on the Hudson River on January 15, 2009, following dual engine failure minutes after its departure from LaGuardia Airport. The resolution commends the skill with which Captain Chesley B. Sullenberger III and his copilot Jeffrey B. Skiles masterfully landed the plane on the river; as well as flight attendants Doreen Welsh, Donna Dent, and Sheila Dail, who quickly evacuated all 150 passengers. It also praises the U.S. Coast Guard, police, and ferry boats, for arriving to rescue the passengers within minutes of the accident.
EXPRESSING CONDOLENCES TO THE FAMILIES, FRIENDS, AND LOVED ONES OF THE VICTIMS OF THE CRASH OF CONTINENTAL CONNECTION FLIGHT 3407

(H. Res. 183)

February 26, 2009

H. Res. 183 expresses sympathy to those who lost family, friends, and loved ones in the tragic crash of Continental Connection Flight 3407, operated by Colgan Air. The lives of all 49 passengers and crew on the flight were lost on February 12, 2009, when Flight 3407 crashed in Clarence Center, New York, about five miles outside of Buffalo. The Bombardier Dash 8–400 was en route from Newark Liberty International Airport and it had begun its descent into Buffalo Niagara International Airport. The plane crashed into a house on the ground, killing one person inside as well. The resolution honors the lives that were lost on Flight 3407 and commends the first responders, emergency services personnel, volunteers, and air traffic controllers for their work.

CONGRATULATING AND SALUTING THE SEVENTIETH ANNIVERSARY OF THE AIRCRAFT OWNERS AND PILOTS ASSOCIATION (AOPA) AND THEIR DEDICATION TO GENERAL AVIATION, SAFETY AND THE IMPORTANT CONTRIBUTION GENERAL AVIATION PROVIDES TO THE UNITED STATES

(H. Res. 472)

June 9, 2009

H. Res. 472 congratulates and salutes the seventieth anniversary of the Aircraft Owners and Pilots Association (AOPA) and its dedication to general aviation and safety, and the important contribution that general aviation provides to the United States. In addition, the resolution commends AOPA for: creating the Air Safety Foundation, leading the recovery of the general aviation light aircraft manufacturing industry, and setting the stage for the development of Next Generation Air Transportation System by being an early proponent of the civilian use of the global positioning system. AOPA was incorporated on May 15, 1939, as a non-profit organization dedicated to general aviation.

EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES THAT THE GENERAL AVIATION INDUSTRY SHOULD BE RECOGNIZED FOR ITS CONTRIBUTIONS TO THE UNITED STATES

(H. Res. 508)

July 29, 2009

H. Res. 508 expresses support for the general aviation industry, recognizes general aviation’s contributions to the United States, and encourages general aviation activity. General aviation includes all civilian flying except scheduled passenger airline activity. General aviation transports 170 million passengers annually, on over 230,000 aircraft. In addition, general aviation stimulates local and
regional economies—it comprises over $150 billion in direct and indirect economic output and supports almost 1.3 million jobs.

COMMENDING RUSS MEYER ON HIS INDUCTION INTO THE NATIONAL AVIATION HALL OF FAME

(H. Res. 719)

October 14, 2009

H. Res. 719 congratulates Russell W. Meyer for being inducted into the National Aviation Hall of Fame and recognizes his achievements and his lifetime of service to the aviation industry. Russ Meyer received a Bachelor of Arts degree from Yale, and Doctor of Law degree from Harvard. He went on to serve in both the Air Force and the Marine Corps Reserves as a fighter pilot from 1955–1961. As Cessna Aircraft Company Chairman and Chief Executive Officer from 1975 to 2003, Meyer advocated for the General Aviation Revitalization Act of 1994, which limited liability for aircraft manufacturers. He also expanded Cessna’s Citation line of business jets, winning two Collier Trophies. In 1995, he won the Wright Brothers Memorial Trophy for his role in the creation of the Citation Special Olympics Airlift, which coordinated hundreds of owners of Citation aircraft to transport athletes from around the country to the Special Olympics National Games. Meyer also helped to develop the “Be a Pilot Program”, which encouraged flight training schools to offer reduced rates on introductory flight training lessons. The “Be a Pilot Program” led to tens of thousands of new pilots. On July 19, 2009, Meyer was enshrined into the National Aviation Hall of Fame.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL LEARN TO FLY DAY, AND FOR OTHER PURPOSES

(H. Res. 1284)

May 12, 2010

H. Res. 1284 supports the goals and ideals of National Learn To Fly Day and recognizes the contributions of flight instructors, flight schools, aviation groups, and industry in promoting and teaching the nation’s next generation of pilots.

EXPRESSING GRATITUDE FOR THE CONTRIBUTIONS THAT THE AIR TRAFFIC CONTROLLERS OF THE UNITED STATES MAKE TO KEEP THE TRAVELING PUBLIC SAFE AND THE AIRSPACE OF THE UNITED STATES RUNNING EFFICIENTLY, AND FOR OTHER PURPOSES

(H. Res. 1401)

July 27, 2010

Air traffic controllers are responsible for ensuring the safety of approximately two million aviation passengers a day by providing separation services to aircraft operating in the national airspace system. Air traffic controllers react to highly complex and sometimes dangerous situations on a daily basis. In addition, they are
responsible for working seven days a week, 24 hours a day, including holidays. Due to the highly stressful nature of the job, which requires total concentration, air traffic controllers must retire by age 56.

Currently, more than 15,700 controllers, including those at the FAA Academy in Oklahoma City, air traffic control facilities, and the Air Traffic System Command Center, are employed in the United States. H. Res. 1401 describes nine separate incidents where controllers saved many lives by providing excellent service in a calm and professional manner. The resolution recognizes the nation’s air traffic controllers by expressing gratitude for the contributions that air traffic controllers make to keep the traveling public safe and the airspace of the United States running efficiently. It commends air traffic controllers for the calm and professional manner in which they ensure separation of air traffic. H. Res. 1401 also acknowledges air traffic controllers’ heroic action, dedication, and quick and skillful decision-making.

Furthermore, the resolution encourages greater investment in the modernization of the nation’s air traffic control system so that air traffic controllers have the resources and technology needed to better carry out their mission as air travel continues to grow.

SUPPORTING BACKCOUNTRY AIRSTRIPS AND RECREATIONAL AVIATION

(H. Res. 1473)

September 15, 2010

H. Res. 1473 recognizes the value of recreational aviation and backcountry airstrips located on the nation’s public lands and commends aviators and the various organizations that maintain these airstrips for public use.

In general, a backcountry airstrip is an unattended landing area in a location that provides access to remote, undeveloped rural areas by aircraft, usually airplanes. Backcountry airstrips allow enhanced access for a variety of recreational activities, emergency services, firefighting, and land management activities, and they provide a means of access to remote areas for physically disadvantaged individuals who might not otherwise be able to get to remote locations for leisure. These airstrips also serve as efficient access points for tourists, who in turn contribute to local economies and small businesses. More importantly, in the event of mechanical problems or inclement weather, they serve as emergency landing sites for aircraft when larger airports are out of reach.

Many backcountry airstrips are privately owned. However, several state aviation offices own and operate backcountry airstrips, and many airstrips are owned by public agencies involved in land management, such as the U.S. Forest Service, National Park Service, Bureau of Land Management, and the Bureau of Reclamation.
CONGRATULATING THE NATIONAL AIR TRANSPORTATION ASSOCIATION FOR CELEBRATING ITS 70TH ANNIVERSARY

(H. Res. 1669)

December 1, 2010

H. Res. 1669 recognizes National Air Transportation Association’s (NATA) historical contributions to general aviation and congratulates NATA for celebrating its 70th anniversary. NATA was founded on December 28, 1940, at a critical moment in the development of general aviation in the United States. Today, NATA represents more than 2,000 member companies that own, operate, or service aircraft and provide for the needs of the traveling public by offering services and products to aircraft operators and others.

Other Legislation

FAA REAUTHORIZATION ACT OF 2009

(H.R. 915)

Passed the House on May 21, 2009

The bill provides $53.4 billion over three years for the Federal Aviation Administration (FAA) and reauthorizes FAA programs from fiscal year (FY) 2010 to FY 2012. The bill authorizes $30.3 billion over three years for FAA operations, including funding to hire additional safety inspectors; $12.3 billion over three years for the Airport Improvement Program (AIP), which provides grants for projects at airports; and $10.1 billion over three 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, as well as to stabilize and strengthen the Airport and Airway 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. 915 increases the total amount authorized for the Essential Air Service (EAS) program each year from $127 million to $200 million (including $50 million derived from overflight fees). To improve the quality of air service received by EAS communities, the bill authorizes the Secretary to incorporate financial incentives into EAS contracts based on specified performance goals. To encourage increased air carrier participation, the bill authorizes the Secretary of Transportation to enter into long-term EAS contracts that would provide more stability for participating air carriers. H.R. 915 also extends the Small Community Air Service Development program through FY 2012, at the current authorized funding level of $35 million per year.

H.R. 915 contains several environment-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 take promising environmental research concepts into the actual airport environment.

The bill authorizes $36 million for runway incursion reduction programs over three years, authorizes $275 million for runway status light acquisition and installation over three years, and requires FAA to submit a strategic runway safety plan to Congress. The bill also requires safety inspections of foreign repair stations at least twice a year. The bill creates an independent Aviation Safety Whistleblower Investigation Office within the FAA; mandates a two-year post-service “cooling off” period after FAA inspectors leave the FAA; requires that principal supervisory inspectors must be rotated between airline oversight offices every five years; and requires monthly reviews of the Air Transportation Oversight System database to ensure that trends in regulatory compliance are identified and appropriate corrective actions taken.

The bill also enhances airline consumer protections. It provides for a Government Accountability Office (GAO) study of the Department of Transportation’s (DOT) policies for granting antitrust immunity for airline alliances; and sunsets, after three years, grants of antitrust immunity unless each grant is renewed by the Secretary of the DOT. H.R. 915 also requires airlines and airports to have emergency contingency plans and detail how they will allow passengers to deplane following excessive delays. The DOT is also required to publicize and maintain a hotline for consumer complaints, establish an Advisory Committee for Aviation Consumer Protection, and expand consumer complaints investigated. Air carriers are also required to report diverted and canceled flight information monthly. Further, the DOT is directed to prohibit the use of voice communication using a mobile phone on scheduled flights.

The bill mandates that if the FAA and one of its bargaining units do not reach agreement in the collective bargaining process, the services of the Federal Mediation and Conciliation Service shall be used or the parties may agree to an alternative dispute resolution procedure. The bill also amends the Railway Labor Act (RLA) to clarify that employees of an “express carrier” shall only be covered by the RLA if they are employed in a position that is eligible for certification under FAA’s rules, such as mechanics or pilots, and they are actually performing that type of work for the express carrier. All other express carrier employees would be covered by the National Labor Relations Act.

THE NATIONAL TRANSPORTATION SAFETY BOARD REAUTHORIZATION ACT OF 2010

(H.R. 4714)

Passed the House on September 28, 2010

H.R. 4714, the “National Transportation Safety Board Reauthorization Act of 2010”, reauthorizes the National Transportation Safety Board (NTSB or Safety Board) for fiscal years (FY) 2011 through 2014 and makes a number of statutory changes to explicitly define the Safety Board’s authority. The legislation authorizes appropriations necessary to permit the Safety Board to continue its
critical work of investigating and determining the causes of aviation incidents and accidents. Specifically, the bill establishes authorization levels to provide funding to allow the NTSB to meet its critical mission of investigating transportation accidents and incidents. The authorization levels will enable NTSB to meet its optimal staffing level and, ultimately, increase its staff by 66 full-time equivalent (FTE) positions to a total of 477 FTEs.

H.R. 4714 explicitly clarifies that the NTSB has the authority to investigate transportation "incidents" (i.e., events that do not involve loss of life or substantial damage but that affect transportation safety), in addition to "accidents". The definition would be applicable to the modes of aviation, rail, pipelines, and highways. In addition, H.R. 4714 permits the NTSB to identify more than one cause of an accident. The NTSB's mandate of identifying, when applicable, more than one cause will be consistent with the practice of international accident-investigation agencies.

The legislation ensures that NTSB investigators, their designees, and delegates have the authority that they need to conduct on-scene investigation for the NTSB, including the ability to enter the property where an accident occurred or inspect records related to an accident. H.R. 4714 also ensures that NTSB investigators have access to the proprietary information necessary to read and interpret data from electronic navigational and other equipment in vehicles involved in accidents.

Further, the bill requires the NTSB to develop criteria for determining whether or not to hold a public hearing with respect to a particular investigation or safety study and to report, annually, the reasons why hearings were not held for investigations or studies of incidents that caused significant loss of life or property damage or that involve a national transportation safety issue.

Where current law protects certain trade secrets from disclosure by NTSB employees in most circumstances, the bill extends that protection to cover commercial and financial information in the NTSB's possession as well, as long as such information is otherwise protected under an exemption from the disclosure requirements of the Freedom of Information Act. H.R. 4714 provides that these limitations on disclosure apply to disclosure of proprietary data obtained by the NTSB to read and interpret data from electronic navigational and other equipment in vehicles involved in accidents.

H.R. 4714 facilitates cooperation between the NTSB and Coast Guard in the investigation of major marine casualties by permitting the NTSB to delegate the Safety Board's full authority to investigate major marine casualties to the Coast Guard if the NTSB determines that Coast Guard personnel assigned to investigate marine casualties possess the training, experience, and qualifications to employ best investigation practices. Consistent with the NTSB's current practice, the bill also requires the NTSB to provide for the participation of the Commandant of the Coast Guard in appropriate NTSB investigations.

H.R. 4714 requires air carriers to communicate certain information to the families of accident victims. Moreover, the bill requires that air carriers' plans to assist the families of aviation accident victims incorporate a process to notify the family members prior to the destruction of unclaimed and unassociated personal effects.
TO DIRECT THE COMPTROLLER GENERAL OF THE UNITED STATES TO CONDUCT A STUDY ON THE USE OF CIVIL AIR PATROL PERSONNEL AND RESOURCES TO SUPPORT HOMELAND SECURITY MISSIONS

(H.R. 1178)

Passed the House on May 12, 2009

H.R. 1178 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. The report will focus on the cost-effectiveness of using the Civil Air Patrol to support a security mission and whether current mechanisms and agreements are sufficient or whether new agreements between Federal agencies and the Civil Air Patrol are necessary to request support. The Secretary of Homeland Security is directed to review and analyze the study, make recommendations for further action, and submit a report to the committees of jurisdiction in the House of Representatives and the Senate within 90 days of the completion of the Comptroller General’s study. The Civil Air Patrol has regularly assisted States since its inception at the beginning of World War II. Its service to the nation includes emergency response during national disasters as well as search and rescue operations.

RECOGNIZING THE 40TH ANNIVERSARY OF THE GEORGE BUSH INTERCONTINENTAL AIRPORT IN HOUSTON, TEXAS

(H. Con. Res. 138)

Passed the House on October 14, 2009

H. Con. Res. 138 congratulates the officials of the George Bush Intercontinental Airport (IAH), the Houston Airport System, and the City of Houston, Texas, for the 40 years of service the airport has provided to Houston and the nation. Since IAH opened in 1969, 700 million people have passed through its gates. The airport is the eighth largest airport in the United States, serving over 43 million passengers in 2008. IAH offers 109 domestic and 65 nonstop international destinations in over 32 countries by 30 airlines. IAH is a regional and world leader in air cargo processing, consolidation, and distribution. It contributes $24 billion in economic benefits to the Houston region and more than 151,000 jobs.

Hearings

During the 111th Congress, the Subcommittee on Aviation held 21 hearings and 14 Members’ briefings and roundtables.

THE FAA REAUTHORIZATION ACT OF 2009

On February 11, 2009, the Subcommittee held a hearing to receive testimony on reauthorization of the FAA. On February 9, 2009, Chairman James L. Oberstar introduced H.R. 915, the “FAA Reauthorization Act of 2009”. The funding authorization for aviation programs, as set forth in Vision 100—Century of Aviation Reauthorization Act (Vision 100) (P.L. 108–176), and authorization for
taxes and fees that provide revenue for the Airport and Airway Trust Fund expired at the end of fiscal year 2007. Revenue collections and FAA programs have been extended by law multiple times. The hearing covered issues of funding and financing the Airport and Airway Trust Fund, which helps fund the development of a nationwide airport and airway system, as well as FAA investments in air traffic control facilities. The Airport and Airway Trust Fund supplies all of the funding for the Airport Improvement Program, which provides grants for construction and safety projects.

The hearing also discussed FAA’s Facilities and Equipment (F&E) program, which includes development, installation, and transitional maintenance of navigational and communication equipment to support aviation operations. It supplies equipment for more than 3,500 facilities nationwide. The F&E program is also the FAA’s primary vehicle for modernizing the national airspace system (NAS) with new surveillance, automation, and communications systems. The hearing also looked at safety issues, commercial service to small communities, consumer protections, environmental enhancements, and labor protections contained in H.R. 915.

The Subcommittee heard testimony from officials with the FAA, Government Accountability Office (GAO), the Department of Transportation Inspector General (DOT IG), airport and airline associations, labor unions, and consumer associations. Witnesses testified on the importance of enacting a long-term FAA reauthorization act and offered suggestions for improvements to the legislation.

US AIRWAYS FLIGHT 1549 ACCIDENT

On February 24, 2009, the Subcommittee held a hearing to receive testimony on the US Airways Flight 1549 accident. On January 15, 2009, US Airways Flight 1549 ditched into the Hudson River following a double engine failure while en route to Charlotte Douglas International Airport. There were 150 passengers onboard the Airbus A320, in addition to the crew: Captain Chesley “Sully” B. Sullenberger III, First Officer Jeffrey Skiles, and flight attendants Sheila Dail, Doreen Welsh, and Donna Dent. Approximately 90 seconds after Flight 1549 departed LaGuardia Airport, the aircraft collided with a flock of birds, several of which were ingested into both engines and caused both engines to fail. During this time, Captain Sullenberger communicated with Air Traffic Control Specialist Patrick Harten, at the New York Terminal Radar Approach Control facility, which provides air traffic control (ATC) services to aircraft departing LaGuardia and other airports in the New York area.

Determining that the aircraft had almost no engine thrust, Captain Sullenberger discerned that a controlled ditching of the aircraft in the Hudson River presented the best chance of survival for the passengers and crew. He and First Officer Skiles performed a successful water landing. Passengers filed out onto the aircraft wings through over-wing exits and into the slide rafts through the left and right cabin doors of the aircraft. Within minutes of the water landing, ferry boats, police boats, and the U.S. Coast Guard rescued all 155 people.

The hearing explored safety issues, including pilot and crew procedures for emergency landings, crew training, aircraft engineering
to improve crash survivability, and bird strikes. The Subcommittee heard testimony from all five flight crewmembers and Mr. Harten, the air traffic controller. Members of Congress congratulated the crew for its heroic performance. In addition, the Subcommittee heard testimony from the NTSB on its investigation of the accident, the FAA, pilot associations, and bird strike and wildlife experts. Following the hearing, the Subcommittee held an in-depth roundtable discussion focusing on the issue of bird strikes and received information on engine design standards to handle birds, airport bird mitigation strategies, and avian radar detection systems.

ATC MODERNIZATION AND NEXTGEN: NEAR-TERM ACHIEVABLE GOALS

On March 18, 2009, the Subcommittee held a hearing to receive testimony on ATC modernization and the FAA’s Next Generation Air Transportation System (NextGen), focusing on near-term achievable goals. Under the current U.S. ATC system, controller workload, radio frequency voice-communication, congestion, and the coverage and accuracy of ground-based navigational signals impose practical limitations on the capacity and throughput of aircraft in the system.

By 2025, air traffic is projected to increase two- to three-fold, equating to about 100,000 to 150,000 flights every 24 hours. It is widely acknowledged that the current U.S. air transportation system will not be able to meet these air traffic demands. In 2003, Congress created the Joint Planning and Development Office (JPDO) within the FAA, and tasked it with developing a NextGen plan that will meet anticipated demand and allow for expected increases in traffic volume.

The NextGen plan will consist of new concepts and capabilities for air traffic management and communications, navigations, and surveillance. The FAA plans to invest $5.3 billion on NextGen capital and research, engineering, and development programs between fiscal years 2009 and 2013.

At the hearing, the Subcommittee heard testimony from officials of the FAA, Department of Transportation (DOT), DOT IG, and GAO. Other witnesses included witnesses from MITRE, which is conducting research on NextGen projects, and industry associations and labor unions, including pilot and air traffic controller unions.

Since the hearing, the FAA has continued work toward meeting near- and mid-term NextGen deliverables (i.e., 2012 to 2018). The FAA requested that RTCA, Inc., a private non-profit corporation that develops consensus-based recommendations on communications, navigation, surveillance, and air traffic management system issues, establish a government-industry NextGen Mid-Term Implementation Task Force (RTCA Task Force) to forge an aviation community consensus on NextGen operational improvements to be implemented between now and 2018, maximizing NextGen benefits in the near-term, and developing a business case for industry investment in NextGen. The RTCA Task Force was formed in January 2009 and consisted of approximately 335 individuals from 141 different organizations. On September 9, 2009, the RTCA Task Force issued its final report and disbanded. The report contained several recommendations designed to help the FAA galvanize its plans to
deliver near-term benefits and build a foundation for the mid-term. The Subcommittee has continued close oversight of the FAA’s progress toward NextGen implementation.

OVERSIGHT OF HELICOPTER MEDICAL SERVICES

On April 22, 2009, the Subcommittee held a hearing to receive testimony regarding oversight of helicopter medical services. The hearing explored two issues: (1) helicopter emergency medical services (HEMS) safety, and (2) state regulation of HEMS. The HEMS industry has grown dramatically over the past three decades, with the greatest expansion in recent years. Between 2003 and 2005, the number of helicopter air ambulances increased from 545 to 753. In addition, since 1988, the NTSB has issued many safety recommendations regarding HEMS. Following a string of deadly accidents in 2008, the NTSB added four 2006 safety recommendations to its Most Wanted List of Transportation Safety Improvements. During the hearing, recurring safety deficiencies among HEMS operators were discussed in depth, including lack of technology, pilot training and fatigue, and flight dispatch procedures. In addition to issues of aviation safety, issues were discussed relating to the Airline Deregulation Act’s preemption of state regulation of air carrier routes, services. However, as discussed at the hearing, States have the authority to regulate the provision of medical care relating to HEMS. For example, many states dictate HEMS requirements for the medical training and qualifications of health care professionals onboard aircraft.

The Subcommittee received testimony from a wide range of stakeholders and experts, including Representative John Salazar, officials at the DOT, FAA, GAO, and NTSB, an accident victim’s family member, and associations representing helicopter and medical groups. As a result of the hearing, the Committee included provisions in H.R. 915 to address the safety issues that the hearing uncovered and the GAO published a report requested by the Subcommittee entitled “Air Ambulance: Effects of Industry Changes on Services Are Unclear”.

THE ECONOMIC VIABILITY OF THE CIVIL RESERVE AIR FLEET PROGRAM

On May 13, 2009, the Subcommittee held a hearing to receive testimony regarding the Civil Reserve Air Fleet (CRAF) program and its economic viability. CRAF is a voluntary program through which the nation’s passenger and cargo airlines provide stand-by commitments to support the mobilization of trips and equipment in the event of a major military contingency. The CRAF program was established in 1951 by President Harry S. Truman to augment the Department of Defense (DOD) fleet of military transport aircraft during times of high demand for airlift services. More than 30 carriers utilizing more than 1,000 aircraft participate in the CRAF program. It is estimated that during a period of national mobilization, CRAF would meet approximately 93 percent of DOD’s pas-

---

senger requirements and approximately 37 percent of DOD’s cargo requirements. The CRAF program is extremely cost-effective—with an estimated $30 billion to $128 billion in cost avoidance to the U.S. Government.

However, the U.S. passenger charter industry has been declining. If the charter industry continues to decline, the immediate effect would be airlift shortfalls and delays within the DOD transportation system. These concerns were heightened when ATA Airlines, which provided approximately 10 percent of DOD’s passenger airlift, declared bankruptcy and abruptly ceased operations in 2008, resulting in temporary service delays of two to six days.

The hearing explored the structure of the CRAF program, contractual relationships, and incentives to participate in the program. In addition, witnesses discussed safety and security issues associated with carrier participation in the program, such as shoulder-fired missile threats. The Subcommittee heard testimony from the Commander of the U.S. Transportation Command and multiple air carriers that participate in the program.

**AVIATION CONSUMER ISSUES: EMERGENCY CONTINGENCY PLANNING AND OUTLOOK FOR SUMMER TRAVEL**

On May 20, 2009, the Subcommittee held a hearing to receive testimony regarding aviation consumer issues, focusing on emergency contingency planning and the outlook for summer travel. Due to the economic recession in 2008 and unprecedentedly high fuel prices, domestic and international airline passenger traffic declined, and airlines’ operating costs increased. In response, airlines cut capacity, which meant reduced flight frequencies and the cessation of some service altogether. To increase revenue, airlines raised airfares and began to charge fees for ancillary services.

The hearing explored these service-related issues, including the effects for travelers of the global economic crisis, and it explored the effects of the pandemic of the novel influenza A (H1N1) in spring 2009. The virus spread throughout the United States, Mexico, and other foreign countries, sparking concerns that a large part of the population would be susceptible to contracting the flu and that it would spread rapidly, in part through the world’s aviation system. U.S. and global health authorities recommended that travelers delay nonessential travel to Mexico and that ill individuals delay air travel, prompting massive cuts in flight schedules between the United States and Mexico. Widespread concern eventually subsided when the virus did not spread as predicted.

The hearing also explored other issues affecting travelers, including airline delays and emergency contingency plans for lengthy onboard delays. The Subcommittee heard testimony from officials of DOT and the FAA, who discussed plans to help cope with airline delays and discussed DOT’s role in dealing with H1N1. The agency witnesses also discussed their agencies’ activities to improve passenger protections and to advance NextGen to deal with delays. The DOT IG was critical of DOT’s plan to address delays in the New York City metropolitan area, where delays have system-wide ripple effects. In addition, the Subcommittee heard testimony from a major airline association, Dallas-Fort Worth International Airport, a flight attendants union, and a passenger rights association.
REGIONAL AIR CARRIERS AND PILOT WORKFORCE ISSUES

On June 10, 2009, the Subcommittee held a hearing to receive testimony on regional air carriers and pilot workforce issues. The hearing was held in response to the February 12, 2009, crash of a Colgan Air Bombardier Dash 8–400, operating Continental Connection Flight 3407, near Buffalo, New York. The NTSB’s investigation into the crash identified a number of issues relating to regional airlines. As the major airlines continue to cut their capacity in response to the economic downturn, regional airline operations constitute an increasingly significant proportion of total operations. Today, regional flights represent one half of the total scheduled flights across the country, and regional airlines provide the only scheduled airline service to more than 450 communities.

The NTSB’s investigation into the accident focused on a number of areas, including: (1) flight crew experience and training; (2) remedial training programs for pilots; (3) pilot commuting policies and practices; (4) fatigue management; and (5) the crew’s violations of the Sterile Cockpit Rule, which prohibits conversations not related to the safety of flight below 10,000 feet, and the impact of these non-pertinent conversations on situational awareness. These issues were discussed in depth during the hearing. The Subcommittee received testimony from officials of the FAA, NTSB, and DOT IG, and representatives of pilot and airline associations, safety experts, and victims’ families.

In addition, the Subcommittee developed legislation to address the issues that the hearing uncovered. On July 29, 2009, Subcommittee Chairman Jerry F. Costello introduced H.R. 3371, the “Airline Safety and Pilot Training Improvement Act of 2009”. The bill was later incorporated into FAA reauthorization legislation, but was enacted as part of the Airline Safety and Federal Aviation Administration Extension Act of 2010 (P.L. 111–216). The legislation requires meaningful improvements to the safety of U.S. airline operations. The law increases pilot training requirements and minimum qualifications and provides for improved standards for the screening of pilot job candidates and professional development.

The Subcommittee held two follow-up hearings focusing on actions taken by the FAA and the airline industry in response to the accident, on September 23, 2009, and February 4, 2010.

NEXTGEN: AREA NAVIGATION/REQUIRED NAVIGATION PERFORMANCE

On July 29, 2009, the Subcommittee held a hearing to receive testimony on NextGen, focusing on Area Navigation (RNAV)/Required Navigation Performance (RNP). In the NAS of today, the limitations of current-generation navigational technology relegate the utilization of airspace to predefined routes where aircraft can reliably transition from one navigational signal to the next, which often require aircraft to fly inefficient, zigzag-like patterns.

RNAV and RNP procedures rely on advanced aircraft avionics for improved navigational precision. RNAV allows aircraft to fly any desired flight path without the limitations imposed by ground-based navigation systems. RNP is RNAV with the addition of an onboard monitoring and alerting capability for pilots that takes advantage of an aircraft’s onboard navigation capability to adhere
precisely to assigned routes and to fly more precise, efficient, and even curved paths into and out of airports. RNAV and RNP procedures hold enormous potential to reduce aircraft fuel burn, noise and carbon emissions, boost controller productivity, and increase capacity, as evidenced by numerous studies. Both the FAA and industry stakeholders hold high expectations for RNAV and RNP procedures to provide near- to mid-term benefits.

Yet, while RNAV/RNP procedures hold significant potential for near-term benefits, the FAA faces challenges implementing these procedures. New procedures may require more extensive environmental reviews, which in some instances could take up to eight years and cost $5 million per procedure. Moreover, there are often significant technical challenges with integrating RNAV/RNP procedures into the existing airspace. Congested airspace, as found in nearly all major metropolitan areas, involves complex design requirements with stringent development criteria to include computer modeling, human factors studies, and actual flight and simulator trials.

At the hearing, the Subcommittee received testimony of FAA and DOT officials, industry and labor representatives, and others involved in the creation of RNAV and RNP procedures. The witnesses testified about the need for RNAV and RNP procedures, the benefits promised by their implementation, and the challenges that the FAA will encounter in the course of implementation.

HUDSON RIVER AIRSPACE AND MANAGEMENT OF UNCONTROLLED AIRSPACE CORRIDORS

On September 16, 2009, the Subcommittee held a hearing to receive testimony on the Hudson River airspace and management of uncontrolled airspace corridors. The hearing was held as result of an August 8, 2009 fatal accident over the Hudson River between a Piper PA–32R–300 airplane and a Eurocopter AS350 BA helicopter operated by Liberty Helicopters. The aircraft collided in mid-air over the Hudson River, near Hoboken, New Jersey. The Liberty Helicopter, conducting a sightseeing tour, had five passengers aboard. The airplane was piloted by a certificated private pilot and had two passengers aboard.

The collision occurred in an area that is known as a class B airspace exclusion area, which is a section of uncontrolled airspace. Many urban areas, including the New York City-metropolitan area, have “exclusion areas” in which aircraft operate without positive control by ATC. In these exclusion areas, pilots generally operate under Visual Flight Rules (VFR), relying on visual cues to avoid other aircraft (commonly referred to as “see and avoid”). Exclusion areas are primarily designed to accommodate access for general aviation pilots to transit through or under areas of class B airspace.

The hearing explored safety concerns regarding airspace, such as the Hudson River exclusion area, in which aircraft operate under special rules, and with less control from ATC. FAA officials testified regarding the findings of the task force that the FAA formed in response to the accident, and actions that the FAA planned to take in response to the accident to improve the safety of the Hudson River-area airspace. The NTSB Chairman provided a detailed
video simulation of what occurred during the accident, and discussed the NTSB's preliminary accident investigation findings and recommendations. Testimony was also received from general aviation and helicopter associations, and an air traffic controller with expertise in the New York City metropolitan area airspace. Following the hearing, the FAA issued regulations to improve the safety airspace operations in the Hudson River corridor.

**FEDERAL AVIATION ADMINISTRATION’S CALL TO ACTION ON AIRLINE SAFETY AND PILOT TRAINING**

On September 23, 2009, the Subcommittee held a hearing to receive testimony regarding the FAA’s “Call to Action” on Airline Safety and Pilot Training. The FAA Administrator announced the industry-wide Call to Action on June 15, 2009, to reduce risk at regional airlines while promoting best practices from major airlines and seeking industry voluntary compliance with a number of safety initiatives. On June 24, 2009, the FAA published an Airline Safety Pilot Training Action Plan with several specific short-term and intermediate-term action items and sent letters to approximately 100 air carriers and seven labor organizations requesting a written commitment to certain action items by July 31, 2009. On July 15, 2009, FAA chartered an aviation rulemaking committee (ARC) charged with making recommendations to the Administrator on proposals to change the current pilot flight and duty time rules.

The focus of the hearing was to determine whether the FAA was carrying out its action plan. The hearing also discussed an inspection initiative whereby FAA inspectors identify and track pilots who demonstrate a repetitive need for additional training.

In addition, witnesses discussed their viewpoints on provisions of H.R. 3371, the “Airline Safety and Pilot Training Improvement Act of 2009”, including provisions requiring that all airline pilots hold an airline transport pilot certificate. The Subcommittee received testimony from the FAA Administrator, airline pilot unions, airline associations, a family member of a victim of Colgan Flight 3407, and an aviation accreditation board for aviation colleges. The FAA discussed its efforts to partner with industry and labor associations to seek voluntary compliance with many of its safety initiatives.

**NEXTGEN: A REVIEW OF THE RTCA MID-TERM IMPLEMENTATION TASK FORCE REPORT**

On October 28, 2009, the Subcommittee held a hearing to receive testimony on NextGen to review the RTCA Mid-Term Implementation Task Force Report. The FAA plan for implementation of the NextGen, which will meet anticipated traffic demands by 2025, consists of new concepts and capabilities for air traffic management and communications, navigations, and surveillance. Yet, while NextGen has been planned over a long horizon, with a target date of implementation by 2025, many stakeholders have come to the conclusion that more can and must be done now to address inefficiencies and delay in the system by more fully taking advantage of existing technologies, procedures, and capabilities rather than waiting for deployment of new systems and equipping aircraft with new technology.
In January 2009, FAA requested that RTCA, Inc. establish a government-industry NextGen Mid-Term Implementation Task Force to forge an aviation community consensus on NextGen operational improvements to be implemented between 2009 and 2018, maximizing NextGen benefits in the near-term, and developing a business case for industry investment. On September 9, 2009, the RTCA Task Force issued its final report, which recommended a prioritized list of desired operational capabilities (and corresponding technologies, procedures, pilot and controller training, and policies needed to achieve those capabilities) to be fully deployed by 2018. In addition, the RTCA Task Force sought to maximize the benefits of existing aircraft equipage.

At the hearing, the Subcommittee received testimony from FAA and DOT officials and industry and labor representatives on the RTCA Task Force’s recommendations and the path forward to implementation. Since the hearing, the FAA has moved forward on a number of the RTCA Task Force’s recommendations. In early 2010, FAA reported in its annual NextGen Implementation Plan (NGIP) how it would attempt to address the recommendations, as well as provided timeframes for those actions. The NGIP will provide greater transparency and accountability with regard to measuring the FAA’s progress meeting NextGen milestones.

COMMERCIAL SPACE TRANSPORTATION

On December 2, 2009, the Subcommittee held a hearing to receive testimony on commercial space transportation. As the number of launches is expected to increase with the development of the U.S. commercial space tourism industry and potential use of private launch vehicles by the National Aeronautics and Space Administration (NASA), it is imperative that the FAA has the proper resources to ensure that the new technologies and programs safely evolve. The FAA is responsible for safety, industry promotion, and licensure of operations for commercial space launches and launches sites.

According to the FAA, in the next two to three years, it is likely that the U.S. space shuttle fleet will be retired, commercial cargo will be delivered to the International Space Station, and commercial human space flight operations will begin. If these predictions are true, there are additional issues that the United States needs to address and consider going forward. One issue is how commercial space flights and spaceports will impact air traffic control and the safe and effective use of the NAS. Another is ensuring passenger and crew safety. As the Federal Government moves toward NextGen, it is important to consider all space transportation issues that might impact the NAS. Environmental impacts, such as noise and greenhouse gas emissions, will also play a role in commercial space flight, just as they do at U.S. airports and communities.

At the hearing, the Subcommittee received testimony from the FAA’s Associate Administrator for Commercial Space Transportation and officials from GAO, an aerospace industry association, an aerospace company, and the Wisconsin Aerospace Authority. As a result of the hearing, the Subcommittee provided oversight of the commercial space transportation program and learned of recent developments.
On January 27, 2010, the Subcommittee held a hearing to receive testimony on reauthorization of the NTSB. 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 four-year reauthorization request included additional funding, additional staff, and statutory changes. The request includes funding to offset pay raises, benefit cost increases, and inflation. The FY 2011 ($117 million) and FY 2012 ($120 million) authorization request levels were based on increasing the number of NTSB staff to 477 full-time-equivalent employees.

The NTSB's reauthorization proposal requested explicit authorization to: investigate incidents; issue subpoenas for financial records; obtain medical records under the same conditions and protections as would apply to a public health authority that 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; and investigate “commercial space launch” accidents.

The Subcommittee heard testimony from the NTSB Chairman and GAO officials. GAO's testimony included a review of NTSB's general management structure, capabilities, and challenges ahead. The hearing provided important information for NTSB reauthorization. On March 2, 2010, Chairman James L. Oberstar introduced H.R. 4714, the “National Transportation Safety Board Reauthorization Act of 2010”. On September 28, 2010, the House passed H.R. 4714.

On February 4, 2010, the Subcommittee held a hearing to receive testimony regarding the FAA's Call to Action on Airline Safety and Pilot Training. The hearing was a follow-up to learn about the FAA's and industry's progress since the Subcommittee's September 23, 2009 hearing. On January 26, 2010, the FAA released its final report on the Call to Action entitled “Answering the Call to Action on Airline Safety and Pilot Training”. The FAA received responses from 82 percent of airlines and all seven labor organizations regarding voluntary actions it requested that they take to improve airline safety and oversight.

While some progress was made on several fronts, the Subcommittee found that several key safety initiatives related to the Call to Action experienced delays or had yet to be initiated. The FAA was in the process of completing action on publishing updates to pilot flight and duty time rules, overhauling crew training re-
quirements, and strengthening qualitative pilot training requirements, among other things.

The FAA Administrator testified at the hearing about the actions that the agency was taking to fulfill the Call to Action's goals. The DOT IG testified that while the FAA initially took swift action on its Call to Action, the FAA made limited progress implementing initiatives with the greatest potential to improve safety.

### Aircraft Icing

On February 24, 2010, the Subcommittee held a hearing to receive testimony on aircraft icing. After the 1994 crash of a regional airliner in Roselawn, Indiana, in which 68 people died, the NTSB added in-flight icing to its Most Wanted List of Transportation Safety Improvements. According to the NTSB, the Roselawn crash was caused by in-flight icing conditions and subsequent loss of control of the aircraft. In-flight icing can occur during winter weather at low altitudes or at high altitudes year-round, while ground icing occurs only in cold weather.

According to the FAA, since the Roselawn accident, it has reviewed aircraft in-flight icing safety and developed a comprehensive aircraft icing program, which includes almost 200 airworthiness directives to improve designs of over 50 aircraft types. Nevertheless, according to the NTSB, “the pace of the FAA’s activities in response to all of these recommendations remains unacceptably slow, despite some encouraging action in 2007.”

According to the GAO, though many efforts have been taken to mitigate the effect of icing on aircraft in-flight, between 1998 and 2007, there were 523 icing-related aviation accidents, which resulted in 221 fatalities, in part 135 commuter and on-demand operations, as well as part 91 general aviation operations.

At the hearing, the Subcommittee received testimony from the FAA’s Deputy Associate Administrator for Aviation Safety, the Chairman of the NTSB, and the GAO, and representatives of pilot and airport associations. As a result of the hearing, the Subcommittee provided oversight of the icing rulemaking process and other associated programs at the FAA. On June 29, 2010, the FAA issued a proposed rulemaking putting forward a significant expansion of its icing certification standards, including a new requirement that manufacturers show airplanes can operate safely in freezing drizzle or freezing rain, conditions that constitute an icing environment known as “supercooled large drops”.

### FAA’s Oversight of On-Demand Aircraft Operators

On March 17, 2010, the Subcommittee held a hearing to receive testimony on the FAA’s oversight of on-demand aircraft operators. On-demand aircraft operators represent a segment of the aviation industry that operates aircraft on a for-hire, on-demand basis. On-demand flights are unscheduled and operate at customers' request. Examples of on-demand aircraft operations include air tours and sightseeing flights, air medical flights, flights for passengers' business or personal travel, cargo flights, crop-dusting/agricultural op-
erations, helicopter firefighting and electronic-news gathering flights, and helicopter flights to offshore oil rigs.

According to the DOT IG, between 1999 and 2009, there were 155 fatal on-demand accidents. In 2008, the NTSB found that there were 56 on-demand accidents involving 66 fatalities. At the hearing, the DOT IG testified on his 2009 report, which raised concerns with FAA oversight of on-demand operators. The DOT IG’s audit found that, between 2000 and 2008, the fatal accident rate for part 135 on-demand operators was 50 times greater than the accident rate for scheduled air carriers. The DOT IG found that the smallest aircraft operated under part 135 have the highest accident rate: between 2003 and 2008, 78 percent of all fatal accidents in the on-demand sector involved aircraft seating nine or fewer passengers. The DOT IG testified that the comparatively high accident rate for on-demand flights were likely due to the following factors: (1) Flights are operated in higher-risk environments than scheduled commercial operations, (2) operators do not have to meet many of the regulatory requirements that large, commercial carriers must follow, and (3) the FAA’s oversight strategy for on-demand operations is deficient.

FAA officials testified regarding the FAA’s efforts to improve on-demand safety through rulemaking, voluntary industry initiatives, and inspection programs. Business aviation and helicopter associations and the Air Charter Safety Foundation testified on industry efforts to improve the safety of the on-demand industry, including involvement in the FAA’s rulemaking committee. The industry associations voiced concern over some aspects of the DOT IG’s report.

NEXTGEN: LONG-TERM PLANNING AND INTERAGENCY COOPERATION

On April 21, 2010, the Subcommittee held a hearing to receive testimony on NextGen long-term planning and interagency cooperation. The hearing focused on aspects of the FAA’s efforts to implement the NextGen over a long planning horizon that extends to 2025. In Vision 100, Congress created the JPDO within the FAA and tasked it to plan for and coordinate implementation of NextGen. To achieve that goal, the JPDO must leverage the expertise and resources of DOT, DOD, the Department of Commerce, the Department of Homeland Security, NASA, and the White House Office of Science and Technology Policy for the purpose of completely transforming the NAS by the year 2025.

In developing NextGen, the JPDO must work cross-departmentally within the government and with the industry to define the NextGen vision. According to the FAA, the JPDO is responsible for monitoring cross agency budgets, facilitating cross-agency collaborations and longer-term planning. However, stakeholders have expressed concern over the organizational structure of the FAA vis-à-vis the development and implementation of NextGen. Industry stakeholders testified that the JPDO’s placement within the FAA and its dual reporting to both the FAA Administrator and the FAA’s Air Traffic Organization’s (ATO) Chief Operation Officer (COO) hindered its ability to interact on equal footing with ATO and other Federal agencies. In addition, industry stakeholders expressed concerns that the dual reporting structure would subordinate the JPDO’s long-term planning mission to the COO’s day-to-
day operational priorities. Therefore, the GAO recommended that the JPDO have some independence from the ATO and that the JPDO Director report directly to the FAA Administrator.

At the hearing, the Subcommittee received testimony from the NASA Administrator, JPDO Director, and officials of GAO, the DOT IG, DOD, and a private-sector stakeholder of NextGen implementation. As a result of the hearing, the Subcommittee has continued to conduct close oversight of progress toward NextGen implementation.

THE PROPOSED UNITED-CONTINENTAL MERGER: POTENTIAL EFFECTS FOR CONSUMERS AND THE INDUSTRY

On June 16, 2010, the Subcommittee held a hearing to receive testimony on the then-pending merger of United Airlines and Continental Airlines, which will create the world’s largest airline in terms of revenue and available seat miles. The merger was ultimately consummated by a stock-swap transaction that the airlines valued at approximately $8 billion. United shareholders hold 55 percent of the equity in the combined entity; Continental shareholders own 45 percent. Chicago-based United and Houston-based Continental operate largely complementary route networks, although their networks overlap on 15 routes among major U.S. cities.

The merger announcement came approximately two years after Delta and Northwest announced a merger to create what was then the world’s largest airline. At the time of the announcement, United, Continental, and their Star Alliance partners were already allied in a close code-sharing relationship that permitted them to cooperate on pricing and schedules with immunity from enforcement of antitrust law. Some expressed concerns that the United-Continental merger would further re-order a fragile industry and would continue the erosion of competition in the U.S. airline industry that began with the Delta-Northwest merger.

The hearing explored the merger’s potential effects for consumers, employees, and competing carriers. The chief executives of both companies testified that the merger is necessary for long-term viability. Labor leaders expressed concern that the merger must not occur at employees’ expense, and industry analysts expressed opposing views on the effects of large-scale mergers for consumers and the industry. Since the hearing, Continental agreed to divest a number of slots at Newark Liberty International Airport to Southwest Airlines and the Department of Justice announced in August that it would not seek injunctive relief to block the merger. The transaction proceeded to legal closing on October 1, 2010, and the carriers subsequently have begun moving toward full integration of their operations within the next two to three years. As a result of the hearing, the Subcommittee continued its oversight of transactions between airlines that have important consequences for the future of airline competition.

AIRLINE FEES

On July 14, 2010, the Subcommittee held a hearing to receive testimony on airline fees. Starting in mid 2007, in response to eco-
nomic challenges, many airlines began to unbundle services by instituting separate fees for checked baggage. Airlines next introduced “a la carte” fees for passenger services, some of which traditionally have been considered as included in the cost of a ticket. By the end of 2009, airlines charged for numerous ancillary services, including seat selection, extra leg room, beverages, meals, and more. According to the Bureau of Transportation Statistics, U.S. airlines collected a total of $7.8 billion in ancillary fees in 2009, including $2.7 billion in baggage fees alone. In the fourth quarter of 2009, U.S. airlines collected 18.3 percent more in ancillary revenue than in the fourth quarter of 2008. Collectively, U.S. passenger airlines incurred $5.5 billion in operating losses in 2008, but reported operating profits of approximately $1.2 billion in 2009.

The proliferation of ancillary fees over a relatively short period of time has raised concerns over the costs and transparency of such fees. Often, consumers are not entirely aware of the range of fees that they may encounter in the ticket booking process, at check-in, and at the gate. A recent poll conducted by Consumer Reports of consumers on what “annoys travelers the most”, luggage charges and added fees rated the highest, at 8.4 and 8.1, respectively, based on a 10-point scale.

The hearing covered a number of issues pertaining to the trend of unbundling airfares to require passengers to pay for particular services individually; including legal requirements for disclosure of fares, taxes, and fees, options for passengers to recover the costs of some fees; and revenue potentially available to the Airport and Airway Trust Fund if certain ancillary fees were subject to the Federal tax on airline tickets. The Subcommittee heard testimony from GAO, which testified on the nature, scope, and disclosure of ancillary fees. Members of Congress expressed concern that ancillary fees are not adequately disclosed to passengers prior to booking. DOT testified on a proposed rulemaking that may address this issue. In addition, Spirit Airlines, Southwest Airlines, consumer associations, and a global ticket distribution system company testified.

THE PILOT FLIGHT AND DUTY TIME RULE

On September 16, 2010, the Subcommittee held a hearing to receive testimony on the need for a new pilot flight and duty time rule. The hearing explored the history of regulation of pilot flight and duty time, the work of the ARC convened by the FAA to address the issue of pilot fatigue, and the future of the FAA’s rulemaking activities on the matter.

The ARC, which began its work in July 2009, consisted of representatives from the FAA, industry, and labor organizations and was charged with producing recommendations for a science-based approach to fatigue management by September 1, 2009. The ARC met its deadline and provided the FAA with a broad framework for drafting the basis for a Notice of Proposed Rulemaking (NPRM). On September 14, 2010, the FAA issued the NPRM.

On August 1, 2010, President Obama signed into law the Airline Safety and Federal Aviation Administration Extension Act of 2010, which requires the FAA, within one year of the date of enactment of the Act, to update and implement new pilot flight and duty time
rules to more adequately track scientific research in the field of fatigue. The law directs the FAA to require air carriers, within 90 days of the date of enactment of the Act, to create fatigue risk management systems approved by FAA to proactively mitigate pilot fatigue. The law also requires the FAA to contract with the National Academy of Science to study the impact of pilot commuting on fatigue and provide preliminary results to the FAA to be considered as part of the flight and duty time rulemaking.

At the hearing, the Subcommittee received testimony from the FAA’s Associate Administrator for Aviation Safety, a human fatigue scientist, and representatives of pilot and airline associations. The Subcommittee continues to strongly urge the FAA to produce the strongest final flight and duty time rule possible to decrease pilot fatigue.
SUMMARY OF ACTIVITIES FOR
THE SUBCOMMITTEE ON COAST GUARD AND
MARITIME TRANSPORTATION

During the 111th Congress, the Subcommittee on Coast Guard and Maritime Transportation, chaired by Representative Elijah E. Cummings, with Representative Frank A. LoBiondo serving as Ranking Member, held 20 hearings (78 witnesses and approximately 39 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. 3619, the Coast Guard Authorization Act of 2010, to reauthorize the Coast Guard and make significant improvements in its operations. H.R. 3619 passed the House of Representatives on October 23, 2009, and the Senate passed the bill on May 7, 2010, with an amendment. No formal conference was convened. On September 30, 2010, the House agreed to Senate amendments to the House amendment to the Senate amendment, clearing the agreed-upon legislation for the President’s signature. H.R. 3619 became Public Law 111–281 on October 15, 2010. The legislation was the first Coast Guard authorization bill to become law since 2006.

The Committee also developed H.R. 3360, the “Cruise Vessel Security and Safety Act of 2010”. H.R. 3360 responded to the issues of crime and safety of passengers aboard cruise ships that carry at least 250 passengers and call at United States ports, except as part of a coastwise voyage. These vessels operate largely outside of the jurisdiction of the United States. H.R. 3360 became Public Law 111–207 on July 27, 2010.

The following bills and resolutions were enacted in the 111th Congress:

- Public Law 111–281, the Coast Guard Authorization Act of 2010,
- Public Law 111–207, the Cruise Vessel Security and Safety Act of 2010,
- Public Law 111–330, to make technical corrections to provisions of law enacted by the Coast Guard Authorization Act of 2010,
- H. Con. Res. 289, directing the Clerk of the House of Representatives to make a technical correction in the enrollment of H.R. 3360,
- H. Res. 197, to commend the American Sail Training Association for its advancement of character building under sail and for its advancement of international goodwill,
H. Res. 410, recognizing the numerous contributions of the recreational boating community and the boating industry to the continuing prosperity and affluence of the United States,
H. Res. 891, expressing the gratitude of the House of Representatives for the service to our Nation of the Coast Guard and Marine Corps aircraft pilots and crewmembers lost off the coast of California on October 29, 2009, and for other purposes, and
H. Res. 1062, recognizing the Coast Guard Group Astoria’s more than 60 years of service to the Pacific Northwest, and for other purposes.

Other bills and resolutions that passed the House include:
H. R. 5503, the “Securing Protections for the Injured from Limitations on Liability Act”,
H. R. 5481, to give subpoena power to the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling,
H. R. 5076, the “Audit the BP Fund Act of 2010”,
H. R. 2651, the “Maritime Workforce Development Act”,
H. R. 1747, the “Great Lakes Icebreaker Replacement Act”, and
H. Con. Res. 258, congratulating the Commandant of the Coast Guard and the Superintendent of the Coast Guard Academy and its staff for 100 years of operation of the Coast Guard Academy in New London, Connecticut, and for other purposes.

Public Laws and Resolutions

Coast Guard Authorization Act of 2010
Public Law 111–281
(H.R. 3619)
(See also H.R. 1665, H.R. 2650, H.R. 2652, H.R. 3318, H.R. 3376)
October 15, 2010

The Coast Guard Authorization Act of 2010 (P.L. 111–281) is the authorizing legislation for the Coast Guard. The legislation is based on H.R. 2830, the “Coast Guard Authorization Act of 2007”, which passed in the House during the 110th Congress on April 24, 2008. Public Law 111–281 also incorporates several bills related to the Coast Guard and maritime transportation. Public Law 111–281 is the first Coast Guard authorization act to be enacted into law since 2006.

The law authorizes annual appropriations for the service and an increase in its military end strength. Public Law 111–281 also includes other provisions that address: Coast Guard personnel and management; shipping and navigation; acquisition reform; leadership structure within Coast Guard; marine safety; oil spill prevention; port security; and the use of toxic hull coatings on certain vessels.

Title I authorizes $10.2 billion in FY 2011 for the Coast Guard and increases the service’s authorized end-strength of military personnel by 1,500 members to 47,000.
Title II makes changes to the management of the Coast Guard's officer corps and provides for Coast Guard families. The law establishes the number and distribution of commissioned Coast Guard officers and sets compulsory retirement ages for flag and regular commissioned officers, and authorizes Coast Guard veterans' access to the Armed Forces Retirement Home system. Title II also provides the Coast Guard with the flexibility to retain and promote officers that have specialized skills to meet the needs of the Coast Guard. The law also authorizes two Presidential awards the Coast Guard Cross and the Silver Star medal for extraordinary heroism and gallantry, respectively.

The law provides for Coast Guard personnel and their families by: (1) Authorizing reimbursement to Coast Guard personnel stationed at remote locations for reasonable expenses related to travel for medical reasons; (2) facilitating the acquisition of family housing for military personnel; (3) authorizing the use of appropriated funds to provide child development services with fees for the services to be based upon family income; and (4) authorizing the Secretary to provide support services for chaplain-led programs that assist active duty and reserve personnel and their families to maintain strong families. This law also permits active duty Coast Guard personnel assigned to support operations associated with major disasters or spills of national significance to retain leave in excess of normal limitations. In addition, the position of District Ombudsman is created in each Coast Guard district to serve as a liaison between the Coast Guard and the maritime community.

Title III makes changes to certain laws that apply to shipping and navigation. The law: (1) creates a civil penalty for simple possession of controlled substances on vessels subject to the jurisdiction of the United States; (2) requires a plan to deliver merchant mariners' documents by mail; (3) phases out, after December 31, 2017, the deployment of foreign-flag vessels engaged in certain operations on the outer continental shelf in the Beaufort and Chukchi Seas off Alaska; and (4) includes measures to help ensure safe and secure shipping in the Arctic.

Title III ensures safe and secure maritime shipping in the Arctic by encouraging the Secretary to enter into negotiations through the International Maritime Organization to promote coordinated action between the United States, Russia, Canada, Iceland, Norway, and Denmark to ensure: (1) maintenance of aids to navigation; (2) marine safety and salvage capability; (3) oil spill prevention and response capability; (4) maritime domain awareness; and (5) search and rescue capability. The law also requires the Secretary to promote safe navigation through icebreaking where necessary.

Title IV responds directly to the issues related to the Coast Guard’s acquisition programs. This title is based upon, H.R. 1665, the “Coast Guard Acquisition Reform Act of 2009”, which passed the House on July 29, 2009.

Specifically, this title makes improvements in Coast Guard acquisition management by: (1) requiring the Commandant of the Coast Guard to select a Chief Acquisition Officer who meets prescribed training and experience standards; (2) creating an Acquisition Directorate within the Coast Guard with a defined mission and a workforce dedicated to performing acquisition functions; and
(3) establishing experience standards for acquisition personnel. The law also prohibits the use of private sector lead systems integrators after the date of enactment, except to complete certain specific acquisitions.

Title IV also defines levels of acquisitions based upon life-cycle costs and prescribes a process for large acquisitions through which the Coast Guard must: (1) Clearly define operational requirements of projects and programs; (2) analyze alternatives; (3) develop project or program baselines; (4) produce life-cycle cost estimates; and (5) assess the merits of alternatives. The analysis of alternatives is to be prepared by a Federally-funded research and development center. The law also requires reports to Congress when cost overruns and delays in excess of prescribed levels occur.

Title V modernizes the Coast Guard by reorganizing the Coast Guard’s senior leadership, as proposed by the Coast Guard. This title authorizes no more than four vice admiral positions to perform duties prescribed by the Commandant.

The law requires the Secretary to ensure appropriate career paths and minimum qualifications for prevention and response personnel who wish to develop expertise in prevention and response, and authorizes the Commandant of the Coast Guard to establish centers of expertise for prevention and response.

The law requires the Coast Guard to develop a long-term strategy for improving marine safety with the following priorities and goals: (1) reducing the number and rates of marine casualties; (2) improving the consistency and effectiveness of enforcement and compliance programs; (3) targeting high-risk vessels for enforcement efforts; and (4) improving research.

Title V also requires that any individual, excluding the Commandant, who adjudicates an appeal or waiver of a decision related to marine safety must be a qualified specialist who is able to effectively judge the facts. In addition, the Commandant must ensure that the Coast Guard Academy will provide courses in mariner safety.

Title VI enhances marine safety through a variety of provisions. The law enhances fishing vessel safety by: (1) permitting owners of certain fishing vessels to rebuild or replace their vessels and maintain the vessels’ permits or licenses to fish; (2) establishing safety equipment and vessel construction standards; and (3) requiring fishing vessels of certain sizes and those fishing vessels that undergo substantial changes to comply with load line regulations and comply with classification society rules and standards for construction and equipment. Compliance with these requirements will be certified by a classification society. The law further enhances fishing vessel safety by establishing safety standards with respect to equipment and operations including: (1) survival craft that ensure no part of an individual is immersed in the water; (2) carriage of marine radios, nautical charts and publications, and sufficient medical supplies; and (3) requiring individuals in charge of fishing vessels to pass a training program approved by the Secretary. Individuals in charge of fishing vessels must also maintain records of safety equipment maintenance and safety drills.

The law enhances marine safety in other areas by: (1) requiring certain vessels to maintain official logbooks and to log the service
hours of seamen, their injuries, and their illnesses; (2) requiring “safety management systems” on certain passenger vessels; (3) authorizing the Coast Guard to terminate the operation of vessels for “unsafe operation”; (4) permitting seamen who suffer discrimination because they report safety violations to use the same Department of Labor complaint process that is currently available to workers in the other transportation modes; (5) authorizing the Coast Guard to establish standards for required marine safety equipment based on performance, best available technology, and operational practicality; and (6) requiring the Secretary to prescribe regulations for the installation of life preservers and other lifesaving appliances for uninspected vessels.

This title also: (1) removes the tonnage limit on offshore supply vessels and prescribes manning levels and watch schedules aboard offshore supply vessels; (2) reauthorizes several advisory committees related to marine safety; and (3) authorizes the Secretary to delegate authority to review and approve plans and to conduct inspections and examinations to the American Bureau of Shipping or another classification society recognized by the Secretary with respect to offshore facilities.

Title VII reduces the risk of oil spills during transfers of oil between vessels. The law: (1) requires the Secretary to conduct a study to identify the types of human errors that lead to oil spills, with particular attention to fatigue; (2) extends liability for oil spills to the owners of cargo shipped on single-hulled vessels; and (3) amends the Oil Pollution Act of 1990 to extend to tank vessels of 100 gross tons or more the requirement to show financial responsibility for oil spills.

Title VIII contains a number of provisions that enhance the security of the nation’s waterways, ports, and marine cargoes.

This title: (1) establishes the America’s Waterway Watch Program to promote voluntary reporting of activities that may indicate a threat or an act of terrorism; (2) requires the Coast Guard to enforce the security zones imposed around tank vessels containing especially hazardous cargos; (3) permits engagement of State and local law enforcement to provide waterside security at terminals handling especially hazardous cargos; (4) mandates that the Secretary make a recommendation regarding the suitability of a waterway to accommodate the marine traffic associated with a waterside liquefied natural gas facility to the Federal Energy Regulatory Commission, after considering recommendations by States; (5) authorizes the Coast Guard to assist foreign port facility operators to meet international port security standards; (6) requires the Secretary to develop and utilize a national standard and formula for prioritizing and addressing security risks at United States ports; (7) requires development of a program for the mobile biometric identification of suspect individuals including terrorists; and (8) prescribes training standards for the certification of port facility security officers.

This title also requires the Secretary, in conjunction with the appropriate Federal agencies, to develop a national strategy for the waterside security of vessels and facilities handling especially hazardous cargoes.
To ensure that the Coast Guard is able to carry out the Service’s other homeland security responsibilities, the law authorizes additional Coast Guard maritime forces and security teams. The legislation requires no fewer than two teams of deployable specialized forces capable of combating terrorism, engaging in interdiction, law enforcement, and advanced tactical maritime security operations. The law also requires the Secretary to increase the number of canine teams capable of detecting narcotics and explosives by no fewer than 10 annually through fiscal year 2012.

Title VIII also contains several provisions related to security and maritime workers. The law requires: (1) that seamen, pilots, and representatives of seamen’s welfare and labor organizations not be charged fees individually for expenses related to access through port facilities and shore leave; (2) coordination between the Secretary and owners and operators of port facilities to allow workers who have applied for, but have not yet received, a transportation workers’ security card to be escorted into secure or restricted areas of a port facility; (3) the Secretary to make timely responses to individuals who apply for a transportation security card; (4) the establishment of procedures for maritime workers to be fingerprinted, as part of an application for a transportation security card, at any of no fewer than 20 facilities operated by or under contract to the Department of Homeland Security; and (5) development of a plan to permit maritime workers to receive their transportation security cards at facilities or aboard vessels. The law also authorizes the Secretary to use a secondary means to verify the identities of individual applying for a transportation security card.

Title IX includes several miscellaneous provisions. The provisions include: (1) waivers of the requirements for coastwise endorsements for certain vessels, subject to specific conditions; (2) changes to the penalties payable by operators of certain cruise ships for non-payment of seamen’s wages in class action suits; (3) an extension of the current deadline for compliance with U.S.-citizen manning requirements for operators of vessels in the U.S. distant water tuna fishing fleet to December 31, 2012; (4) a provision to limit the jurisdiction of States to tax certain seamen; (5) authorization to convey certain Coast Guard property to certain local governments; (6) authorization for the States of Texas and Oklahoma to license operators of uninspected passenger vessels operating on Lake Texoma; and (7) limitation of the liability for monetary damages of individuals who use or authorize the use of force to defend a vessel of the United States against piracy.

The law also strengthens criminal penalties for failing to heave to, obstructing Coast Guard boardings, and providing false information to the Coast Guard when the offense involves “agravating factors”. Aggravating factors include: death, an attempt to kill, kidnapping or an attempt to kidnap, aggravated sexual abuse, serious bodily injury, and transportation of individuals under inhumane conditions.

Title X includes the text of H.R. 3618, the “Clean Hull Act of 2009”, which passed the House on November 17, 2009. This title aligns U.S. law with the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001 by prohibiting the sale, distribution, or manufacture of organotin or antifouling sys-
tems containing organotin. Organotin is a chemical used to inhibit the growth of marine organisms on the hulls of vessels and certain marine structures.

Title X also prohibits vessels, regardless of when the anti-fouling system was applied, from using an anti-fouling system containing organotin, establishes penalties for violation, and establishes the Secretary of the department in which the Coast Guard is operating and the Administrator of the Environmental Protection Agency as administrators and enforcers of this new law.

Cruise Vessel Security and Safety Act of 2010

Public Law 111–207

(H.R. 3360)

July 27, 2010

This law imposes new security and safety requirements on cruise ships that carry at least 250 passengers and call on a port in the United States except as part of a coastwise voyage.

Public Law 111–207 contains a number of provisions that will enhance the safety and security of passengers on board cruise vessels.

This law requires that, beginning 18 months after the date of enactment of the Act, each vessel to which the section applies must comply with specific design and construction standards. The vessels must have rails located not less than 42 inches above the cabin deck, and must have passenger staterooms and crew cabins equipped with peep holes or other means for visual identification. To the extent that it is available, the vessels must integrate technology that can detect when passengers have fallen overboard. The vessel must also be equipped with operable acoustic hailing or warning devices to provide communication capability around the entire vessel when it is operating in high risk waters, as defined by the Coast Guard. Beginning on the date of enactment of the Act (July 27, 2010), any vessel the keel of which is laid after that date must equip passenger staterooms and cabins with security latches and time-sensitive key technologies.

To help combat crime aboard cruise vessels, this law also requires that the owner of a vessel maintain a video surveillance system to assist in documenting crimes on the vessel and to provide evidence for the prosecution of such crimes. In addition, the law requires owners of vessels to employ physicians meeting certain professional qualifications and to maintain on the vessel adequate, in-date supplies of anti-retroviral medications and other medications designed to prevent the transmission of sexually transmitted diseases after a sexual assault, as well as equipment and materials for performing medical examinations in sexual assault cases. The law also requires the owner of a vessel to record in a log book, either electronically or otherwise, reports on specified complaints.

In addition, the law requires the owner of a vessel or the owner’s designee to contact the nearest Federal Bureau of Investigation (FBI) Field Office or Legal Attaché by telephone as soon as possible after the occurrence on board the vessel of an incident involving
homicide, suspicious death, a missing U.S. national, kidnapping, assault with serious bodily injury, any offense to which 18 (U.S.C.) §§ 2241, 2242, 2243, or 2244(a), or (c) applies, firing or tampering with the vessel, or theft of money or property in excess of $10,000 to report the incident.

The Secretary of Transportation is required to maintain a statistical compilation of certain incidents on an Internet site that provides a numerical accounting of the missing persons and alleged crimes recorded in each report that are no longer under investigation. The data shall be updated no less frequently than quarterly and aggregated by cruise line (and each cruise line shall be identified by name), and by whether the crime was committed by a passenger or a crew member. Each cruise line taking on or discharging passengers in the United States shall include a link on its Internet website to the website maintained by the Secretary of Transportation.

**TO MAKE TECHNICAL CORRECTIONS TO PROVISIONS OF LAW ENACTED BY THE COAST GUARD AUTHORIZATION ACT OF 2010**

Public Law 111–330

(H.R. 6516)

December 22, 2010


**DIRECTING THE CLERK OF THE HOUSE OF REPRESENTATIVES TO MAKE A TECHNICAL CORRECTION IN THE ENROLLMENT OF H.R. 3360**

(H. Con. Res. 289)

July 12, 2010


**TO COMMEND THE AMERICAN SAIL TRAINING ASSOCIATION FOR ITS ADVANCEMENT OF CHARACTER BUILDING UNDER SAIL AND FOR ITS ADVANCEMENT OF INTERNATIONAL GOODWILL**

(H. Res. 197)

April 14, 2010

H. Res. 197 commends the American Sail Training Association (ASTA) for its work to advance character building under sail and for its advancement of international good will, and commends ASTA for its advancement of character building experiences for youth at sea in traditionally rigged sailing vessels and its advancement of the finest traditions of the sea.

H. Res. 197 also commends ASTA as the national sail training association of the United States, representing the sail training community of the United States in the international forum.
RECOGNIZING THE NUMEROUS CONTRIBUTIONS OF THE RECREATIONAL BOATING COMMUNITY AND THE BOATING INDUSTRY TO THE CONTINUING PROSPERITY AND AFFLUENCE OF THE UNITED STATES

(H. Res. 410)

June 9, 2009

H. Res. 410 recognizes the contributions of the recreational boating industry and the boating community to the United States. This resolution also acknowledges that the 59 million individuals who boat generate more than $33 billion for the U.S. economy, and provide jobs for 337,000 Americans. This resolution recognizes that the 1,400 active boat builders in the United States use materials and services from all 50 states. Recreational boating activities provide opportunities for families to be together, and have a beneficial effect on scholastic performance and physical fitness of those who participate. Finally, H. Res. 410 urges the President to issue a proclamation declaring July 1, 2009, as National Boating Day.


(H. Res. 891)

November 17, 2009

H. Res. 891 expresses the gratitude of the House of Representatives for the service to our nation of the Coast Guard and Marine Corps aircraft pilots and crewmembers lost off the coast of California on October 29, 2009.

H. Res. 891 recognizes the crew members of the Coast Guard C–130 that are missing and presumed to have lost their lives in the line of duty: Lt. Cmdr. Che J. Barnes; Lt. Adam W. Bryant; Chief Petty Officer John F. Seidman; Petty Officer 2nd Class Carl P. Grigonis; Petty Officer 2nd Class Monica L. Beacham; Petty Officer 2nd Class Jason S. Moletzsky; and Petty Officer 3rd Class Danny R. Kreder II.

H. Res. 891 also recognizes the crew members of the Marine Corps helicopter that are missing and presumed to have lost their lives in the line of duty: Maj. Samuel Leigh and 1st Lt. Thomas Claiborne.

RECOGNIZING THE COAST GUARD GROUP ASTORIA’S MORE THAN 60 YEARS OF SERVICE TO THE PACIFIC NORTHWEST, AND FOR OTHER PURPOSES

(H. Res. 1062)

April 15, 2010

H. Res. 1062 recognizes the Coast Guard Group Astoria’s more than 60 years of service to the Pacific Northwest, and honors the
brave men and women of Coast Guard Group Astoria who risk their lives daily to ensure the safety and security of the people of the Pacific Northwest.

H. Res. 1062 directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to Coast Guard Group Astoria for appropriate display.

Other Legislation

SECURING PROTECTIONS FOR THE INJURED FROM LIMITATIONS ON LIABILITY ACT

(H.R. 5503)

Passed the House on July 1, 2010

The Death on the High Seas Act permits a decedent’s spouse, parent, child, or dependent relative (the decedent’s personal representative under current law) to bring a civil action in admiralty against the person or vessel responsible for the decedent’s death when the death was caused by wrongful act, neglect, or default occurring on the high seas beyond 12 nautical miles (three nautical miles under current law) from the shore of the United States.

H.R. 5503 expands the types of damages that may be recovered to include nonpecuniary losses plus a fair compensation for the decedent’s pain and suffering. In addition, H.R. 5503 allows substitution of the decedent’s spouse, parent, child, or dependent relative (personal representative under current law) as a plaintiff in an action for personal injury caused by wrongful act, neglect, or default under the Act, if the plaintiff dies during the action as a result of the wrongful act.

Furthermore, H.R. 5503 amends the Jones Act to allow recovery for nonpecuniary damages for loss of the care, comfort, and companionship of a seaman who died in the course of employment and repeals specified general limitations on liability (the Limitation of Liability Act) for personal injury or death on seagoing vessels.

H.R. 5503 amends the Federal judicial code with respect to class actions (the Class Action Fairness Act of 2005) to exclude from its coverage any action brought by a State or a State subdivision on behalf of its citizens. In addition, H.R. 5503 declares void and unenforceable any agreement, promise, or directive to restrict the dissemination of information (except by a government agency to protect public health or safety) regarding the cause, nature, or extent of, or damage caused by, or efforts to remediate any discharge into waters off the U.S. shore of a substance that contaminates a marine or coastal environment or endangers public health.

H.R. 5503 amends the bankruptcy code to prohibit a trustee in bankruptcy from selling or leasing, except in the ordinary course of business, any property of the estate of a debtor that is liable for a claim arising from an incident under the Oil Pollution Act of 1990, to a purchaser (together with any affiliate) in an aggregate dollar amount exceeding a specified amount under the Clayton Act unless: (1) the purchaser (and affiliate) agree as a condition of the sale to pay the amount of allowed unsecured claims arising from
the incident not paid by the debtor; or (2) all classes of unsecured claims approve the sale of such assets.

TO GIVE SUBPOENA POWER TO THE NATIONAL COMMISSION ON THE BP DEEPWATER HORIZON OIL SPILL AND OFFSHORE DRILLING

(H.R. 5481)

Passed the House on June 23, 2010

H.R. 5481 authorizes the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling to issue subpoenas to compel the attendance and testimony of witnesses and the production of books, records, correspondence, memoranda, and other documents.

H.R. 5481 requires the Commission, before issuing such a subpoena, to notify the Attorney General (or a designee) of the Commission's intent to issue a subpoena, the identity of the witness, and the nature of the testimony sought.

H.R. 5481 prohibits the Commission from issuing a subpoena if the Attorney General objects on the basis that the taking of the testimony is likely to interfere with any: (1) Federal or State criminal investigation or prosecution; or (2) pending investigation under the Civil False Claims Act or other Federal statute providing for civil remedies, or any civil litigation to which the United States or any of its agencies is or is likely to be a party.

H.R. 5481 requires the Commission, in the case of contumacy of any person issued a subpoena or refusal by such person to comply with the subpoena, to request the Attorney General to seek enforcement of the subpoena in any U.S. district court for a district in which a person issued a subpoena under the Act resides, is served, or may be found, or where the subpoena is returnable. In addition, H.R. 5481 deems failure to obey an order requiring the subpoenaed person to appear at any designated place to testify or produce documentary or other evidence to be contempt of court.

AUDIT THE BP FUND ACT OF 2010

(H.R. 6016)

Passed the House on September 28, 2010

H.R. 6016 directs the Comptroller General of the U.S. Government Accountability Office (GAO) to conduct an independent investigation and audit of the operations of the fund and claims process created by BP to compensate persons affected by the BP Deepwater Horizon oil spill in the Gulf of Mexico. The bill authorizes GAO to use its subpoena power to ensure that the victims of the oil spill are provided with compensation in a timely manner, the claim amounts are determined accurately, and the operations process occurs effectively. Finally, H.R. 6016 requires the Comptroller General to report its findings to Congress every 90 days until the operations of the Fund are completed, in approximately three years.
MARITIME WORKFORCE DEVELOPMENT ACT OF 2009

(H.R. 2651)

Passed the House on October 14, 2009

H.R. 2651 amends title 46, United States Code, to direct the Secretary of Transportation to establish a maritime career recruitment, training, and loan program.

The costs of obtaining a Master's or Mate's license can be as much as $26,000, with specialized training and certifications, due to the training requirements mandated by the 1995 Amendments to the Convention on the Standards of Training, Certification, and Watchkeeping. Employers in the maritime industry have traditionally provided little or no funding to help employees cover the costs of training, and there is growing concern within the maritime industry that the cost and complexity of meeting 1995 Amendment requirements for license renewals and/or upgrades is reducing the pool of potential seafarers.

Importantly, maritime training programs are unique, and are unlike typical two- or four-year educational programs. Due to the short course length and the frequency of enrollment in new courses, the costs of these programs are not easily served by existing student loan programs.

Using the model of existing student loan programs, H.R. 2651 creates a maritime-focused student loan program through which individuals can receive up to $60,000 in loans over the course of a lifetime. H.R. 2651 also authorizes the appropriation of $10 million in each of FYs 2010 through FY 2015 to support loans.

Additionally, H.R. 2651 authorizes the appropriation of $10 million in each of FYs 2010 through FY 2015 to enable the Secretary to award grants to maritime training institutions to support their efforts to develop and implement programs to address mariner recruitment, training, and retention issues.

GREAT LAKES ICEBREAKER REPLACEMENT ACT

(H.R. 1747)

Passed the House on April 27, 2009

H.R. 1747 authorizes $153 million for the design and construction of a new icebreaker for service on the Great Lakes. The existing icebreakers are either nearing the end of their useful lives or experiencing difficulty in heavy ice conditions.

CONGRATULATING THE COMMANDANT OF THE COAST GUARD AND THE SUPERINTENDENT OF THE COAST GUARD ACADEMY AND ITS STAFF FOR 100 YEARS OF OPERATION OF THE COAST GUARD ACADEMY IN NEW LONDON, CONNECTICUT, AND FOR OTHER PURPOSES

(H. Con. Res. 258)

Passed the House on July 27, 2010

H. Con. Res. 258 congratulates the Commandant of the Coast Guard and the Superintendent of the Coast Guard Academy and
its staff for 100 years of operation of the Coast Guard Academy in New London, Connecticut. For 100 years, the Coast Guard has trained and shaped the leadership of the Coast Guard through extensive training in character, loyalty, physical fitness, leadership, and education.

Hearings

During the 111th Congress, the Subcommittee on Coast Guard and Maritime Transportation held 20 hearings.

INTERNATIONAL PIRACY ON THE HIGH SEAS

On February 4, 2009, the Subcommittee held a hearing to receive testimony on the causes and extent of piracy and to understand its effect on international shipping. The hearing focused on piracy off the coast of Somalia.

The expansion of international piracy particularly in the Horn of Africa region threatens to increase the cost of transporting goods through the region at a time when portions of the world economy are in serious recession.

Several industry witnesses testified that the Gulf of Aden continues to pose a navigational challenge because of the absence of a permanent national government in Somalia. Witnesses also discussed the issue of protection for U.S.-flagged vessels and whether it was the responsibility of government or private industry to provide protection.

COAST GUARD DRUG AND MIGRANT INTERDICTION

On March 11, 2009, the Subcommittee held a hearing to receive testimony regarding the U.S. Coast Guard’s drug and migrant interdiction operations. The hearing examined drug interdiction trends and the capacity of the Coast Guard to interdict drug shipments. In addition, the hearing examined trends in illegal migration from the Caribbean and Asia. Coast Guard witnesses testified regarding the challenges to the service’s interdiction mission including the ingenuity of traffickers and the limited resources available to police forces in countries around the Caribbean Sea and Gulf of Mexico.

OVERVIEW OF COAST GUARD ACQUISITION POLICIES AND PROGRAMS

On March 24, 2009, the Subcommittee held a hearing to examine the Coast Guard’s acquisition programs, as well as the policies and procedures the service was implementing to strengthen its management of the entire acquisition process. The hearing was one of several Subcommittee hearings on the subject of the Coast Guard’s acquisition programs conducted during the past two Congresses, and was conducted under the oversight requirements of clauses 2(n), (o), and (p) of Rule XI of the Rules of the House of Representatives.

The Subcommittee heard testimony from the Coast Guard’s Assistant Commandant for Acquisition and the Government Accountability Office’s (GAO) Director of Acquisition and Sourcing Management.
The Coast Guard testified that it had begun a comprehensive acquisition reform effort. The reforms were necessary to avoid repeating the problems that the service encountered in the Integrated Deepwater System (Deepwater) program and to ensure proper oversight and management of each acquisition project. The Coast Guard emphasized several on-going improvements including better communication among headquarters offices, consolidation of project offices, the clarification of the roles of key players, and changes in policies and processes. The service’s efforts at reform were being aided through consultation with the Defense Acquisition University and others.

GAO testified that, over the two years prior to the hearing, the Coast Guard had repositioned itself to assume responsibilities associated with systems integration and program management functions that were formerly carried out by private contractors. GAO also testified that the Coast Guard still faced challenges and the outcome of Deepwater acquisitions remained uncertain. GAO stated that the failure of not implementing a disciplined acquisition approach and the reliance upon a contractor to define the Coast Guard’s requirements had resulted in certain assets being paid for and delivered without the Coast Guard having determined whether the assets would meet mission needs.

CIVIL RIGHTS SERVICES AND DIVERSITY INITIATIVES IN THE COAST GUARD

On April 1, 2009, the Subcommittee held a hearing to receive testimony regarding civil rights services and diversity initiatives within the Coast Guard. In addition, the Subcommittee received testimony regarding the findings of a review of the Coast Guard’s Office of Civil Rights entitled “United States Coast Guard Office of Civil Rights: Program Review” conducted by Booz Allen Hamilton and at the request of the office’s director. The report assessed the extent to which the structure, policies, procedures, and personnel of the Office of Civil Rights (OCR) are meeting the Coast Guard’s equal opportunity missions, and whether it performs in accordance with the Equal Employment Opportunity Commission regulations. The report also provides an independent examination of the office climate in the OCR, the management of confidential information, and the effectiveness of office personnel. The report provided 53 recommendations for improvement.

During the hearing, the Subcommittee also examined the effectiveness of the Office of Civil Rights’ service to minority members of the Coast Guard and the implementation of civil rights initiatives at the Coast Guard Academy. This hearing was the first of several hearings that the Subcommittee held in the 111th Congress to examine the issue of diversity within the Coast Guard.

FISCAL YEAR 2010 BUDGET REQUESTS OF THE COAST GUARD, MARITIME ADMINISTRATION AND FEDERAL MARITIME COMMISSION

On May 13, 2009, the Subcommittee held a hearing to receive testimony on the President’s Fiscal Year 2010 Budget request for the Coast Guard, Maritime Administration, and Federal Maritime Commission.
The Subcommittee received testimony from the Commandant of the Coast Guard and the Master Chief Petty Officer of the Coast Guard, the Associate Administrator for Budget and Programs and Chief Financial Officer of the United States Maritime Administration, and the Commissioners of the Federal Maritime Commission.

**Piracy Against U.S. Flag Vessels: Lessons Learned**

On May 20, 2009, the Subcommittee held a hearing to receive testimony regarding recent acts of piracy against U.S.-flagged vessels and the lessons to be learned from these attacks. This hearing was conducted in the wake of the pirate attacks upon the *MV Maersk Alabama* and the *MV Liberty Sun* in the Indian Ocean off Somalia.

Witnesses testified that proper planning was crucial to defending against pirate attacks. The Subcommittee heard several recommendations from witnesses including maintaining best speed through the area and embarked armed security guards. Witnesses also testified regarding the effect of pirate attacks and the carriage of armed security guards on insurance rates.

**Control of Anti-Fouling Systems on Ships**

On June 10, 2009, the Subcommittee held a hearing to receive testimony regarding the control of anti-fouling systems on ocean-going vessels. The hearing examined anti-fouling systems that have been applied to ships in the past and discussed the contamination that some of these systems have released into the marine environment. Anti-fouling systems are applied to the hulls of ships and marine structures to prevent organisms from attaching and growing.

The Subcommittee examined the potential effects of the International Convention on the Control of Harmful Anti-fouling Systems on Ships, 2001. The Convention provides a comprehensive regulatory framework to enable governments to assess the safety of new anti-fouling systems before the new systems are approved for use.

An Environmental Protection Agency official testified in support of implementation of the Convention. This hearing provided the basis for legislation implementing the Convention, which was included in the Coast Guard Authorization Act of 2010 (Public Law 111–281). See also, H.R. 3618, the “Clean Hull Act of 2009”.

**A Continuing Examination of Civil Rights Services and Diversity in the Coast Guard**

On June 19, 2009, the Subcommittee held a hearing to receive testimony regarding its on-going examination of the Coast Guard's Equal Employment Opportunity (EEO) and Equal Opportunity (EO) programs as well as of the service's efforts to expand diversity, particularly at the Coast Guard Academy.

The Subcommittee continued its examination of the status of the Coast Guard's Office of Civil Rights' implementation of the recommendations included in the report entitled “United States Coast Guard Office of Civil Rights: Program Review” by Booz Allen Hamilton. The Director of the Office of Civil Rights testified that the Of-
fice had implemented 29 of the 53 recommendations provided in the report.

National Maritime Center and Mariner Credentials

On July 9, 2009, the Subcommittee held a hearing to receive testimony regarding the National Maritime Center (NMC) and merchant mariner credentials (MMCs). The testimony focused on the difficulties that mariners experienced with obtaining required merchant mariners' licenses and documents. The Coast Guard had issued new guidelines to govern the review of medical information provided by a mariner as part of the application for an initial, renewal, or upgrade of a credential. The Coast Guard had also consolidated the variety of individual mariner licenses and endorsements that it previously issued into a new MMC, resembling a passport. Witnesses described substantial delays in receiving MMCs because of backlogs caused by a system unable to efficiently process thousands of applicants.

A Review of the Coast Guard's Search and Rescue Mission

On September 30, 2009, the Subcommittee held a hearing to review the Coast Guard's search and rescue (SAR) programs as well as lessons learned from recent SAR cases. The Subcommittee examined challenges the Coast Guard faces in carrying out its search and rescue mission, particularly in light of its expanded homeland security responsibilities. The hearing examined in detail two fishing vessel casualties in which the Coast Guard failed to respond in sufficient time to prevent fatalities.

Qualifications and Credentialing of Mariners: A Continuing Examination

On October 7, 2009, the Subcommittee held a hearing to receive testimony regarding the NMC and MMCs. This hearing was a follow-up to a hearing held by the Subcommittee on the same topic on July 9, 2009. The July hearing focused on substantial delays in mariners receiving documents necessary to perform the responsibilities of the mariner. At the October hearing, witnesses from the Coast Guard testified that the backlog of applications had been significantly reduced.

Maritime Domain Awareness

On December 9, 2009, the Subcommittee held a hearing to receive testimony regarding the Coast Guard's ability to identify and respond to threats in the maritime domain—particularly potential threats from small vessels. The maritime domain is defined as “all areas and things of, on, under, relating to, adjacent to, or bordering on a sea, ocean or other navigable waterway, including all maritime related activities, infrastructure, people, cargo, and vessels and other conveyances.” The hearing also examined the use of automated tracking systems. The hearing explored the efficacy of increased use of onboard tracking systems. Boating industry witnesses testified in opposition to proposals to require small boats to be equipped with automatic tracking systems.
FISCAL YEAR 2011 BUDGET FOR THE COAST GUARD, MARITIME ADMINISTRATION, AND THE FEDERAL MARITIME COMMISSION

On February 25, 2010, the Subcommittee held a hearing to receive testimony regarding the President's Fiscal Year 2011 Budget request for the U.S. Coast Guard, Maritime Administration, and the Federal Maritime Commission. Testimony was received from the agencies and GAO.

A REVIEW OF COAST GUARD ACQUISITION PROGRAMS AND POLICIES

On March 11, 2010, the Subcommittee held a hearing to examine the Coast Guard's acquisition programs, and the policies and procedures that the service was implementing to strengthen its management of the acquisition process. The Coast Guard's Assistant Commandant for Acquisition updated the Subcommittee on the progress on strengthening the acquisitions process and the status of current acquisitions. He also testified that the problems encountered with the Integrated Deepwater System (Deepwater) program acquisitions were being addressed. The Deepwater program has been the subject of extensive oversight by the Subcommittee over the past two Congresses, including the hearing on March 24, 2009.

CAPACITY OF VESSELS TO MEET U.S. IMPORT AND EXPORT REQUIREMENTS

On March 17, 2010, the Subcommittee held a hearing to receive testimony regarding the capacity of ocean-going vessels to meet U.S. import and export demands. On March 11, 2010, the President signed an Executive Order creating a National Export Initiative that calls for a doubling of U.S. exports over the next five years. Reports suggested that the ability of the United States to expand its exports was threatened by a lack of vessel capacity and shortages of shipping containers in certain regions of the country. Such shortages could have a significant adverse impact on meeting U.S. export goals.

STATUS OF COAST GUARD CIVIL RIGHTS PROGRAMS AND DIVERSITY INITIATIVES

On April 27, 2010, the Subcommittee held a hearing to continue its examination of the Coast Guard’s Equal Employment Opportunity (EEO) and Equal Opportunity (EO) programs as well as of the service’s efforts to expand diversity, particularly at the Coast Guard Academy. This was the third and final hearing on the issue in the 111th Congress.

The Coast Guard witness from the service’s Civil Rights Directorate testified that 52 of the 53 recommendations provided in the report entitled “United States Coast Guard Office of Civil Rights: Program Review”, conducted by Booz Allen Hamilton, had been implemented. However, the GAO witness testified that the implementation of the diversity recommendations was challenged by a lack of internal controls and measurable performance goals.
FOREIGN VESSEL OPERATIONS IN THE U.S. EXCLUSIVE ECONOMIC ZONE

On June 17, 2010, the Subcommittee held a hearing to receive testimony regarding the extent of commercial activity conducted by foreign vessels engaged in the exclusive economic zone (EEZ) of the United States. The Subcommittee also examined the overlapping jurisdictions of flag states and coastal states over foreign-flagged vessels and offshore facilities operating in the EEZ.

The Deepwater Horizon oil spill in the Gulf of Mexico exposed many uncertainties associated with offshore operations in the EEZ. This hearing allowed the Subcommittee to have a better understanding of what steps might be necessary to protect the interests of the United States.

UPDATE ON FEDERAL MARITIME COMMISSION’S EXAMINATION OF VESSEL CAPACITY

On June 30, 2010, the Subcommittee held a hearing to receive testimony from the Federal Maritime Commission (FMC) regarding the FMC’s examination of the capacity of ocean-going vessels to meet U.S. import and export demands. This hearing was a follow-up to the hearing conducted on March 17, 2010. At the March hearing, the FMC announced that it was initiating a non-adjudicatory fact-finding to investigate current carrier capacity and ocean carrier business practices under service contracts, and the extent of container shortages in the United States. At the June hearing, the witness from the FMC testified that FMC’s fact-finding found that shortages in vessel capacity and shipping containers were regional, with a concentration in the Midwest.

STATUS OF THE U.S.-FLAGGED VESSELS IN U.S. FOREIGN TRADE

On July 20, 2010, the Subcommittee held a hearing to receive testimony regarding the status of the U.S.-flagged fleet in foreign commerce. The hearing explored the conditions under which operators of U.S.-flagged ships must compete, their challenges, and ideas for developing maritime policies that will enhance their competitiveness.

The Administrator of the Maritime Administration testified concerning its role in promoting a strong merchant marine. The Subcommittee also heard testimony from labor and shipping company representatives regarding the vital importance of programs designed to sustain the U.S.-flagged merchant fleet. These programs include cargo preference laws and the Maritime Security Program.

CONTINUING EXAMINATION OF U.S.-FLAGGED VESSELS IN U.S.-FOREIGN TRADE

On September 29, 2010, the Subcommittee held a hearing to receive testimony from the Maritime Administration (MARAD) regarding the U.S.-flagged merchant fleet in foreign trade. This hearing was a follow-up to a hearing convened by the Subcommittee on the same topic on July 20, 2010. At the July hearing, representatives of the U.S.-flagged maritime industry and seafaring labor raised issues with respect to the challenges they face operating
under the U.S. flag. This hearing continued the Subcommittee’s ex-
amination of the status of the U.S.-flagged merchant marine and
the role of the Maritime Administration in promoting a strong U.S.
merchant marine.
SUMMARY OF ACTIVITIES FOR
THE SUBCOMMITTEE ON ECONOMIC DEVELOPMENT,
PUBLIC BUILDINGS, AND EMERGENCY MANAGEMENT

During the 111th Congress, the Subcommittee on Economic Development, Public Buildings, and Emergency Management, chaired by Delegate Eleanor Holmes Norton, with Representative Mario Diaz-Balart serving as Ranking Member, held 34 Subcommittee hearings (188 witnesses and approximately 94 hours) and three Members’ roundtables, covering the breadth of issues within the jurisdiction of the Subcommittee.

The Committee on Transportation and Infrastructure developed several bills to improve the provision of Federal disaster assistance through Federal Emergency Management Agency (FEMA). H.R. 1746, the “Predisaster Hazard Mitigation Act of 2010”, reauthorizes the Pre-Disaster Mitigation (PDM) program for three years at the following levels: $180 million in fiscal year 2011 and $200 million per year in each of fiscal years 2012 and 2013. The bill also increases the minimum amount that each state can receive under the program from $500,000 to $575,000, and prohibits the provision of assistance under the PDM program through congressionally-directed spending. On December 28, 2010, H.R. 1746 was presented to the President for signature.

The Committee also developed major legislation, H.R. 3377, the “Disaster Response, Recovery, and Mitigation Enhancement Act of 2009”, which amends the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) to improve the assistance that the Federal Government provides to States, local governments, and communities before, during, and after major disasters and emergencies. This legislation authorizes, and makes changes to improve, major FEMA programs, including: the Disaster Relief Fund (DRF), Pre-Disaster Mitigation, National Urban Search and Rescue (US&R), the Integrated Public Alert and Warning System (IPAWS), and the Emergency Management Assistance Compact (EMAC). Among its major provisions, H.R. 3377 also: makes available health benefits for temporary FEMA employees; provides additional assistance under the Hazard Mitigation Grant Program for States that actively enforce an approved building code; allows FEMA to provide assistance for up to 18 months in the form of mortgage or rental payments to individuals and families who are at imminent risk of eviction from a residence in the wake of a disaster; requires FEMA to sell, transfer, or donate trailers or other excess temporary housing units in suitable condition and complete disposal of any units not in suitable condition within two years; requires FEMA to consider the recommendations of the National Commission on Children and Disasters and the National Council on Disability in the
drafting and updating of certain plans, strategies, policies, and regulations; clarifies the role of the Federal Coordinating Officer appointed after a major disaster or emergency in short- and long-term recovery; requires FEMA to expedite the processing of appeals, by requiring FEMA to act in 60 days rather than 90 days; and requires FEMA to develop special procedures for the provision of major disaster assistance under the Stafford Act in the event of extensive and widespread damage and destruction to expedite the repair, restoration, reconstruction, or replacement of eligible public facilities.

The Committee also developed major legislation, H.R. 1174, the “FEMA Independence Act of 2009”, to re-establish FEMA as an independent, cabinet-level agency reporting directly to the President and restore FEMA’s ability to be a nimble and effective response agency as it was prior when the agency was subsumed into the Department of Homeland Security (DHS).

The Committee also developed major legislation, H.R. 5897, the “Economic Revitalization and Innovation Act of 2010”, to reauthorize the Economic Development Administration (EDA). H.R. 5897 provides $500 million annually for EDA investments for each of fiscal years 2011 through 2015, for a total authorization of $2.5 billion. Specifically, the bill authorizes: $2.225 billion for economic development investments, including public works and economic adjustment grants; $180 million for planning grants to Economic Development Districts (EDDs); and $50 million for university centers in States (including D.C.) without such centers. The bill requires that recipients of EDA assistance establish job creation goals as a condition of receipt of EDA assistance, and penalizes recipients for failure to satisfy job creation goals. In addition, the bill: expands support for business incubators and science and research parks through $500 million in loan guarantees and additional construction funding; fosters high-speed rail economic development and sustainable economic development; promotes “on-shoring” of jobs to the United States by establishing new programs to allow or provide preference for EDA investment assistance to projects that locate or relocate technology and manufacturing companies to the United States; provides flexibility in economic development funding of projects, including directing funds to communities affected by Defense Base Closure and Realignment (BRAC) and those communities with declining tax revenues; and creates a clear, defined role for EDDs and promotes regional planning.

Finally, the Committee adopted Committee resolutions authorizing General Services Administration (GSA) projects to control courthouse construction costs through the imposition of limits on the number of courtrooms and on the assignment of space to the Judiciary. To date, the Committee’s actions to limit the number of courtrooms in courthouses across the country (in San Diego, California; Savannah, Georgia; Greenbelt, Maryland; Mobile, Alabama; San Antonio, Texas; and Salt Lake City, Utah) has resulted in savings in excess of $97 million, based on both capital costs and lease cost avoidance.

The following bills and resolutions were enacted in the 111th Congress:
• Public Law 111–14, to designate the United States courthouse under construction at 327 South Church Street, Rockford, Illinois, as the “Stanley J. Roszkowski United States Courthouse.”
• Public Law 111–34, 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.”
• Public Law 111–74, to designate the federally occupied building located at McKinley Avenue and Third Street, SW., Canton, Ohio, as the “Ralph Regula Federal Building and United States Courthouse”.
• Public Law 111–75, to designate the United States courthouse located at 525 Magoffin Avenue in El Paso, Texas, as the “Albert Armendariz, Sr., United States Courthouse”.
• Public Law 111–77, to designate the Federal building located at 844 North Rush Street in Chicago, Illinois, as the “William O. Lipinski Federal Building”.
• Public Law 111–78, to designate the United States courthouse located at 801 Simonton Street in Key West, Florida, as the “Sidney M. Aronovitz United States Courthouse”.
• Public Law 111–176, to designate the United States Department of the Interior Building in Washington, District of Columbia, as the “Stewart Lee Udall Department of the Interior Building”.
• Public Law 111–234, to designate the annex building under construction for the Elbert P. Tuttle United States Court of Appeals Building in Atlanta, Georgia, as the “John C. Godbold Federal Building”.
• Public Law 111–243, to designate the federally occupied building located at 1220 Echelon Parkway in Jackson, Mississippi, as the “James Chaney, Andrew Goodman, Michael Schwerner, and Roy K. Moore Federal Building”.
• Public Law 111–297, to designate the Federal building located at 100 North Palafox Street in Pensacola, Florida, as the “Winston E. Arnow Federal Building”,
• Public Law 111–298, to designate the Federal building and United States courthouse located at 515 9th Street in Rapid City, South Dakota, as the “Andrew W. Bogue Federal Building and United States Courthouse”,
• Public Law 111–299, to designate the building occupied by the Government Printing Office located at 31451 East United Avenue in Pueblo, Colorado, as the “Frank Evans Government Printing Office Building”,
• Public Law 111–301, to designate the Federal building located at 6401 Security Boulevard in Baltimore, Maryland, commonly known as the Social Security Administration Operations Building, as the “Robert M. Ball Federal Building”,
• H. Con. Res. 37, authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby,
• H. Con. Res. 38, authorizing the use of the Capitol Grounds for the National Peace Officers’ Memorial Service,
• H. Con. Res. 39, authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run,
• H. Con. Res. 171, authorizing the use of the Capitol Grounds for an event to honor military personnel who have died in service to the United States and to acknowledge the sacrifice of the families of those individuals as part of the National Weekend of Remembrance,
• H. Con. Res. 247, authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby,
• H. Con. Res. 263, authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run,
• H. Con. Res. 264, authorizing the use of the Capitol Grounds for the National Peace Officers’ Memorial Service,
• H. Res. 415, commending the heroic efforts of the people fighting the floods in North Dakota and Minnesota,
• H. Res. 765, expressing condolences to the families of the individuals killed during unusual storms and floods in the State of Georgia between September 18 and 21, 2009, and expressing gratitude to all of the emergency personnel who continue to work with unyielding determination to meet the needs of Georgia’s residents,
• H. Res. 1059, honoring the heroism of the seven United States Agency for International Development, Office of U.S. Foreign Disaster Assistance, and Federal Emergency Management Agency supported urban search and rescue teams deployed to Haiti from New York City, New York, Fairfax County, Virginia, Los Angeles County, California, the City of Miami, Florida, Miami-Dade County, Florida, and Virginia Beach, Virginia, and commending their dedication and assistance in the aftermath of the January 12, 2010, Haitian earthquake,
• H. Res. 1337, expressing the sympathy and condolences of the House of Representatives to those people affected by the flooding in Tennessee, Kentucky, and Mississippi in May 2010,
• H. Res. 1583, observing the fifth anniversary of the date on which Hurricane Rita devastated the coasts of Louisiana and Texas, and for other purposes,
• 63 General Services Administration Capital Investment and Leasing Program Resolutions, and
• 3 General Services Administration Building Project Survey Resolutions.

Other bills that passed the House include:
• H.R. 3791, “Fire Grants Reauthorization Act of 2009”
• H.R. 5825, the “Multi-State Disaster Relief Act”,
• H.R. 5266, the “National Commission on Children and Disasters Reauthorization Act of 2010”,
• H.R. 1700, the “National Women’s History Museum Act of 2009”,
• H.R. 2843, the “Architect of the Capitol Appointment Act of 2010”,
• H.R. 3224, to authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct a vehicle maintenance building at the vehicle maintenance branch of the Smithsonian Institution located in Suitland, Maryland, and for other purposes,
• H.R. 5717, the “Smithsonian Conservation Biology Institute Enhancement Act”,
• H.R. 842, to designate the United States courthouse to be constructed in Jackson, Mississippi, as the “R. Jess Brown United States Courthouse”,
• H.R. 869, 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. 887, to designate the United States courthouse located at 131 East 4th Street in Davenport, Iowa, as the “James A. Leach United States Courthouse”,
• H.R. 2423, to designate the Federal building and United States courthouse located at 1300 Victoria Street in Laredo, Texas, as the “George P. Kazen Federal Building and United States Courthouse”,
• H.R. 3193, to designate the United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the “Alto Lee Adams, Sr., United States Courthouse”,
• H.R. 3305, to designate the Federal building and United States courthouse located at 224 South Boulder Avenue in Tulsa, Oklahoma, as the “H. Dale Cook Federal Building and United States Courthouse”, and
Public Laws and Resolutions

PREDISASTER HAZARD MITIGATION ACT OF 2010

Public Law 111–__
(H.R. 1746)
January 2011

This law reauthorizes the Pre-Disaster Mitigation (PDM) program for three years at the following levels: $180 million in fiscal year 2011 and $200 million per year in each of fiscal years 2012 and 2013. The law also increases the minimum amount that each state receives under the program from $500,000 to $575,000, and prohibits the provision of assistance under the PDM program through congressionally-directed spending.

FEDERAL BUILDINGS PERSONNEL TRAINING ACT OF 2010

Public Law 111–308
(S. 3250)
December 14, 2010

The Federal Buildings Personnel Training Act of 2010 (P.L. 111–308) authorizes the Administrator of General Services, in consultation with others, to establish core competencies relating to buildings operation and maintenance, energy management, sustainability, building performance, and other matters for Federal personnel and contract employees performing buildings operations functions in Federal buildings. The law establishes core competencies for Federal employees and contract personnel working in certain building operations and maintenance disciplines to ensure that Federal buildings perform and are maintained in accordance with industry best practices. The law will ensure that Federal buildings and components are maximally productive and properly maintained to achieve the highest possible return on investment over the infrastructure’s projected operating life.

SMITHSONIAN INSTITUTION FACILITIES AUTHORIZATION ACT OF 2009

Public Law 111–11
(Title XV)
(H.R. 608)
March 30, 2009

This law 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; to construct laboratory space to accommodate the terrestrial research program of the Smithsonian Tropical Research Institute in Gamboa, Panama; and
to construct a greenhouse facility at its museum support facility in Suitland, Maryland.

**TO AUTHORIZE THE ADMINISTRATOR OF GENERAL SERVICES TO CONVEY A PARCEL OF REAL PROPERTY IN GALVESTON, TEXAS, TO THE GALVESTON HISTORICAL FOUNDATION**

Public Law 111–76
(H.R. 2121)
October 19, 2009

This law authorizes the Administrator of General Services, no later than 90 days after the date of enactment of the Act, to convey, by quitclaim deed, a parcel of real property located at 502 20th Street in Galveston, Texas, to the Galveston Historical Foundation, subject to certain requirements. All proceeds derived from the sale of the parcel of real property located at 502 20th Street in Galveston, Texas, is required to be deposited in the Federal Building Fund.

The parcel of real property located at 502 20th Street is the 1861 U.S. Custom House. It is one of the oldest buildings in Galveston, Texas, and was added to the National Register of Historic Places in 1970. The Galveston Historical Foundation was incorporated in 1954, and has since cultivated its work to cover community redevelopment, public education, historic preservation advocacy, maritime preservation, and stewardship of historic properties on Galveston Island. To date, the Galveston Historical Foundation has more than 2,000 members and has twice been awarded the National Trust for Historic Preservation's Honor Award.

In 1998, the General Services Administration and the Galveston Historical Foundation entered into a long-term lease agreement with respect to the 1861 U.S. Custom House. In exchange for the Galveston Historical Society rehabilitating the historical building, it was granted a long-term lease. This law allows the Galveston Historical Society to purchase the building outright.

**DIRECTS THE ADMINISTRATOR OF GENERAL SERVICES TO CONVEY A PARCEL OF REAL PROPERTY IN HOUSTON, TEXAS, TO THE MILITARY MUSEUM OF TEXAS**

Public Law 111–___
(H.R. 6510)
January 2011

This law directs the Administrator of General Services to sell a 3.6-acre parcel of land improved with a 20,000 square foot light-industrial building to the current tenant, the Military Museum of Texas, for the fair value of the property in its current use. The Military Museum of Texas is a non-profit 501(c)(3) organization founded in 1992, with an all-volunteer staff. The Museum has been operating on the property since 2004, paying a nominal rent. The legislation further directs the General Services Administration to
convey the property with a restrictive covenant requiring that the property’s current use continue for a period of 30 years, and in the event that the Military Museum seeks to abrogate this use, it is then required to seek prior permission of the Administrator and pay to the United States the value of the property in its highest and best use.

**AUTHORIZES THE SECRETARY OF AGRICULTURE TO CONVEY TO THE CITY OF BOUNTIFUL, UTAH, CERTAIN FEDERAL LAND**

Public Law 111–11
(Title III, Subtitle D, section 3307)
(H.R. 604)
March 30, 2009

This law authorizes the Secretary of Agriculture to exchange certain Federal land identified as Shooting Range Special Use Permit Area on the map, entitled “Bountiful City Land Consolidation Act”, dated October 15, 2007, if the city of Bountiful, Utah conveys three parcels of land consisting of a total of approximately 1,680 acres to the Secretary of Agriculture.

**TO DESIGNATE THE UNITED STATES COURTHOUSE UNDER CONSTRUCTION AT 327 SOUTH CHURCH STREET, ROCKFORD, ILLINOIS, AS THE “STANLEY J. ROSZKOWSKI UNITED STATES COURTHOUSE”**

Public Law 111–14
(S. 520)
April 23, 2009

This law designates the United States courthouse under construction at 327 South Church Street, Rockford, Illinois, as the “Stanley J. Roszkowski United States Courthouse”.

Stanley Roszkowski was born on January 22, 1923, and was raised in Royalton, Illinois. He was one of 15 children. He served a decorated tour in World War II as a nose gunner on a B26 bomber. After his discharge from the United States Air Force, he enrolled at the University of Illinois where he received his Bachelor of Science degree in 1949 and his Juris Doctor in 1954. He then opened up a successful law practice in Rockford.

Stanley Roszkowski was appointed judge for the United States District Court for the Northern District of Illinois on October 11, 1977. He took senior status on January 9, 1991, and retired in January 1998 after serving for more than 20 years.

Judge Roszkowski was instrumental in having the courthouse constructed in Rockford, Illinois.
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”

Public Law 111–34
(H.R. 813)
June 30, 2009

This law designates the Federal building and United States courthouse located 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 and continued in his chosen field for over five decades. 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, the Chamber of Commerce, and the Rotary and Elks clubs.

Further, Judge Small served his country during World War II in the U.S. Navy.

Judge Small is an outstanding mentor and volunteer. For over five decades, he has been an exceptional jurist, and civic leader.

TO DESIGNATE THE FEDERAL BUILDING LOCATED AT 799 UNITED NATIONS PLAZA IN NEW YORK, NEW YORK, AS THE “RONALD H. BROWN UNITED STATES MISSION TO THE UNITED NATIONS BUILDING”

Public Law 111–35
(H.R. 837)
June 30, 2009

This law designates the Federal building at 799 United Nations Plaza 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. His early school days were spent at Hunter College Elementary School, a public school on Manhattan’s East Side. He subsequently attended high school at White Plains High School and the Rhodes School in Manhattan. 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. After serving in the Army, he 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. In 1988, he was elected Chairman of the Democratic National Committee. From 1989 to 1992, he served as Chairman and used his skills as a negotiator and pragmatic bridge builder to help reunite the Democratic Party, after its candidate was defeated in the 1988 presidential election.

In 1993, President William J. Clinton appointed Ronald H. Brown as Secretary of Commerce. During his tenure, Secretary Brown effectively utilized and expanded the role of the U.S. Department of Commerce. Secretary Brown was known for his amiable political style and his deft skill in negotiations and, as Secretary, he used these qualities effectively to promote U.S. trade, expand foreign markets for American businesses, and spur domestic job growth and economic development.

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. The Department of State had requested that Secretary Brown personally undertake the trade mission to highlight and find opportunities for U.S. businesses to boost economic reconstruction of the war torn region of former Yugoslavia. The trip itinerary included stops in Zagreb, the capital of Croatia; visiting American troops in Tuzla, Bosnia-Herzegovina; and Sarajevo, the capital of Bosnia. The trade mission was on its way to Dubrovnik, Croatia, when the plane crashed on the coast of the Adriatic Sea.

Throughout his life, Secretary Brown broke many barriers. He was the first African-American to serve as Secretary of Commerce and the first African-American Chairman of a national political party.

**TO DESIGNATE THE FEDERALLY OCCUPIED BUILDING LOCATED AT McKinley Avenue and Third Street, SW., CANTON, OHIO, AS THE “RALPH REGULA FEDERAL BUILDING AND U.S. COURTHOUSE”**

Public Law 111–74
(H.R. 1687)
October 19, 2009

This law designates the Federally-occupied building located at McKinley Avenue and Third Street, SW., Canton, Ohio, as the “Ralph Regula Federal Building and United States Courthouse”. Representative Ralph Regula represented Ohio’s 16th Congressional District from January 3, 1973, to January 3, 2009. Ralph
Strauss Regula was born in Beach City, Ohio, on December 3, 1924. After high school, Representative Regula served in the United States Navy during World War II. Regula later went on to earn a Bachelor of Arts degree from Mount Union College in 1948, and then graduated from the William McKinley School of Law in Canton, Ohio in 1952.

Representative Regula served in many different capacities during his long tenure in public service. He was a member of the Ohio state board of education from 1960–1964, and was then elected to the Ohio state House of Representatives from 1965–1967 and subsequently served in the Ohio state Senate in 1967–1972. Regula was then elected to the U.S. House of Representatives in the 93rd Congress, and served for 36 years.

Representative Regula, one of the longest serving Republican members of Congress, retired at the end of the 110th Congress after a career of nearly 50 years of public service. He is married to Mary Regula, and has three children and four grandchildren.

TO DESIGNATE THE UNITED STATES COURTHOUSE LOCATED AT 525 MAGOFFIN AVENUE IN EL PASO, TEXAS, AS THE “ALBERT ARMENDARIZ, SR., UNITED STATES COURTHOUSE”

Public Law 111–75
(H.R. 2053)
October 19, 2009

This law designates the United States courthouse located at 525 Magoffin Avenue in El Paso, Texas, as the “Albert Armendariz, Sr., United States Courthouse”. Judge Albert Armendariz, Sr., had a long and distinguished career of public service. Albert Armendariz was born on August 11, 1919, in El Paso, Texas. After graduating from high school in 1934, Judge Armendariz joined the United States Army and served in World War II. After he left the U.S. Army, Armendariz used the GI Bill to continue his education. He later graduated from the University of Texas at El Paso and then the University of Southern California (USC) Law School, where he was the only Mexican-American in attendance. After graduating from the USC law school in 1950, Judge Armendariz returned to El Paso, Texas.

Early in his career Judge Armendariz tackled discrimination head on while serving on the El Paso Civil Service Commission, pushing the agency to end discrimination against Latino applicants for civil service positions. Perhaps his most lasting legacy will be his work on Hernandez v. The State of Texas, which established Latinos as a class entitled to protection under the 14th amendment of the U.S. Constitution.

From 1976 to 1985, he was an immigration judge (special inquiry officer) with the U.S. Department of Justice and was appointed to, and served on, the Texas Court of Appeals from July 2, 1986, until November 30, 1986.

In addition to his service in government, Judge Armendariz also found time to serve in leadership positions in influential civic organizations. Judge Armendariz served as National President of the
League of United Latin American Citizens during the 1950s and fought school segregation and discrimination. Judge Armendariz also helped to form the influential Mexican American Legal Defense & Education Fund in 1968. Judge Armendariz had a never-ending passion for service to his community, and practiced law until his death at age 88 on October 4, 2007.

TO DESIGNATE THE FEDERAL BUILDING LOCATED AT 844 NORTH RUSH STREET IN CHICAGO, ILLINOIS, AS THE “WILLIAM O. LIPINSKI FEDERAL BUILDING”

Public Law 111–77
(H.R. 2498)
October 19, 2009

This law designates the Federal building located at 844 North Rush Street in Chicago, Illinois, as the “William O. Lipinski Federal Building”. Former Representative William O. Lipinski was a leader on transportation issues while he represented the 3rd and 5th Congressional Districts of Illinois. Representative Lipinski was born in Chicago on December 22, 1937. He attended Loras College in Dubuque, Iowa, and served in the United States Army Reserves from 1961 to 1967.

After serving in the armed forces, Representative Lipinski held several different public service positions in Chicago, Illinois, including working at the Chicago Park District for over 17 years. He was an Alderman in Chicago, a city councilman, and held several different positions within the Democratic Party in Chicago. Representative Lipinski was elected to Congress in 1982, and served until 2005.

Representative Lipinski was a leader on the Committee on Transportation and Infrastructure throughout his tenure in Congress. He served as the senior Democrat on the Subcommittee on Railroads, the Subcommittee on Aviation, and the Subcommittee on Highways and Transit. He strongly advocated for transportation and connectivity issues in his district, whether it was providing a local airport with access for financing for infrastructure improvement or providing public transit options to areas in his Congressional district that lacked access. Representative Lipinski also played a large role in national transportation policy by taking leadership roles in the past two transportation authorization bills that provided funding for local priorities in highways, highway safety, public transit, and surface transportation programs.

Representative William O. Lipinski retired in 2005, and was succeeded by his son, Representative Daniel Lipinski.
TO DESIGNATE THE UNITED STATES COURTHOUSE LOCATED AT 301 SIMONTON STREET IN KEY WEST, FLORIDA, AS THE “SIDNEY M. ARONOVITZ UNITED STATES COURTHOUSE”

Public Law 111–78
(H.R. 2913)
October 19, 2009

This law designates the United States courthouse located at 301 Simonton Street in Key West, Florida, as the “Sidney M. Aronovitz United States Courthouse”. Judge Sidney M. Aronovitz served as a U.S. District Court Judge for the Southern District of Florida for 21 years. Aronovitz was born in Key West, Florida, on June 20, 1920. After graduating from Key West High School in 1937, he attended the University of Florida where he was awarded a Bachelor of Arts degree in 1942, and a law degree, with honors, in 1943. Aronovitz went on to serve as a U.S. Army Captain from 1943–1946, earning multiple distinctions, including a Bronze Star.

Between 1943 and 1976, Aronovitz served as a lawyer in private practice in Miami, Florida. He also served as a City Commissioner from 1962 to 1966, holding the position of Vice-Mayor in 1965. In 1976, President Gerald Ford nominated Sidney M. Aronovitz to serve as a U.S. District Court Judge for the Southern District of Florida.

Judge Aronovitz was commissioned on September 21, 1976, and served as a U.S. District Court Judge until his death in 1997. In addition, he periodically sat on the U.S. Court of Appeals, 11th Circuit, and served on the U.S. Foreign Intelligence Surveillance Court from 1988 to 1992. During his time on the bench, Judge Aronovitz presided over some of Miami’s most colorful and complex cases.

Outside of the courtroom, Judge Aronovitz helped form numerous educational, religious, and health organizations in Dade County, Florida. The Judge Sidney M. Aronovitz Memorial Scholarship was formed in his honor, and is awarded yearly to minority students in Southern Florida wishing to continue their education.

TO DESIGNATE THE UNITED STATES DEPARTMENT OF THE INTERIOR BUILDING IN WASHINGTON, DISTRICT OF COLUMBIA, AS THE “STEWART LEE UDALL DEPARTMENT OF THE INTERIOR BUILDING”

Public Law 111–176
(H.R. 5128)
June 8, 2010

This law designates the United States Department of the Interior Building located at 1849 C Street, Northwest, in Washington, District of Columbia, as the “Stewart Lee Udall Department of the Interior Building”. Stewart Lee Udall was born in St. Johns, Arizona, on January 31, 1920. He is the son of Levi S. Udall, former Arizona Supreme Court Justice, and Louise Lee Udall. He attended the University of Arizona, during which he spent two years as a Mor-
mon missionary. During World War II, Stewart L. Udall served as a gunner in the United States Air Force in the European theater. Upon returning to the University of Arizona after his military service, he received his law degree in 1948. Two years after graduation, Stewart L. Udall opened a law firm in Tucson, Arizona, with his brother Morris, who would later serve as a Member of Congress.

Stewart L. Udall was elected to the U.S. House of Representatives and served on the Committee on Interior and Insular Affairs (1955–1960) and the Committee on Education and Labor (1955–1960).

President John F. Kennedy appointed Representative Udall as Secretary of the Interior and he served in that position for nine years (1961–1969). Secretary Udall's leadership at the Department of the Interior was instrumental in crafting the Wilderness Act, the Wild and Scenic Rivers Act, and in the creation of the Land and Water Conservation Fund. His leadership also led to the expansion of the National Park system to include four new national parks, six new national monuments, eight seashores and lakeshores, nine recreation areas, 20 historic sites, and 56 wildlife refuges. Secretary Udall was also instrumental in the passage of the National Historic Preservation Act of 1966, the most far-reaching preservation legislation ever enacted in the United States. He also helped create and shape the National Register of Historic Places, the Advisory Council on Historic Preservation, and the Historic Preservation Fund. This framework supports nearly every aspect of historic preservation today. After leaving government service, Secretary Udall continued to contribute to the nation's environmental affairs as an author, historian, teacher, naturalist, and ambassador for the great outdoors.

TO DESIGNATE THE ANNEX BUILDING UNDER CONSTRUCTION FOR THE ELBERT P. TUTTLE UNITED STATES COURT OF APPEALS BUILDING IN ATLANTA, GEORGIA, AS THE “JOHN C. GODBOLD FEDERAL BUILDING”

Public Law 111–234
(H.R. 4275)
August 16, 2010

This law designates the annex building under construction for the Elbert P. Tuttle United States Court of Appeals Building at 56 Forsyth Street in Atlanta, Georgia, as the “John C. Godbold Federal Building.” John C. Godbold was born in 1920, in Coy, Alabama. He received a Bachelor of Science degree from Auburn University in 1940 and attended Harvard Law School. His study of law was put on hiatus to serve in the armed forces during World War II. Following his service, Godbold graduated from Harvard Law School in 1948 and entered into private practice in Montgomery, Alabama. In 1966, Godbold was appointed to the U.S. Court of Appeals for the 5th Circuit by President Lyndon B. Johnson. In 1981, he was appointed Chief Judge of the 5th Circuit. After creation of the U.S. Court of Appeals for the 11th Circuit in 1981, Godbold was appointed Chief Judge of the 11th Circuit. He is the only judge
to act as Chief Judge of two Federal circuits. Beginning in 1987, he served as director of the Federal Judicial Center for three years before returning to the 11th Circuit for the remainder of his life.

Judge Godbold received the 1996 Edward J. Devitt Distinguished Service to Justice Award and honorary doctorate degrees from Sanford, Auburn, and Stetson Universities in 1981, 1988, and 1994, respectively. His article, Twenty Pages and Twenty Minutes—Effective Advocacy on Appeal, is widely read in American jurisprudence. Judge Godbold passed away on December 22, 2009.

TO DESIGNATE THE FEDERALLY OCCUPIED BUILDING LOCATED AT 1220 E CHELON PARKWAY IN JACKSON, MISSISSIPPI, AS THE “JAMES CHANEY, ANDREW GOODMAN, MICHAEL SCHWERNER, AND ROY K. MOORE FEDERAL BUILDING”

Public Law 111–243
(H.R. 3562)

September 30, 2010

This law designates the Federally-occupied building located at 1220 Echelon Parkway in Jackson, Mississippi, as the “James Chaney, Andrew Goodman, Michael Schwerner, and Roy K. Moore Federal Building”.

James Chaney, Andrew Goodman, and Michael Schwerner were civil rights activists that were lynched and murdered during the Freedom Summer of 1964. These three activists were in Mississippi during the Summer of 1964 after a week-long training on strategies for organizing African-Americans in Mississippi to vote. On June 21, 1964, Chaney, Goodman, and Schwerner drove to Longdale, Mississippi to visit the site of a burned church in Neshoba County.

The three activists were arrested by the Neshoba County police as they were leaving the site of the burned church and held by the police for several hours. Later, they were released only to be rearrested shortly thereafter. After the second arrest, a Neshoba County police officer turned the three civil rights activists over to local members of the Ku Klux Klan. All three activists were murdered, and their bodies were buried in an earthen dam outside of Philadelphia, Mississippi. These events sparked a national uproar and led the Federal Government to call up the state’s National Guard and U.S. Navy to search for the three men. The Federal Bureau of Investigation (FBI) flooded the state with 150 FBI Special Agents in an attempt to solve the crime and, for the first time, an FBI office was established in the State of Mississippi. The bodies of these three civil rights activists were found 44 days later buried in an earthen dam near Philadelphia, Mississippi. The FBI eventually arrested and charged eighteen suspects of which seven were eventually sentenced. None served more than six years for the crime. Over 35 years later, in 2005, the case was reopened and Edgar Ray Killen was charged and convicted of manslaughter.

FBI Agent Roy Moore was personally picked by FBI Director J. Edgar Hoover to lead the investigation into the deaths of these young men. Agent Moore said the FBI would be there until it broke
the back of the Ku Klux Klan, reestablished the rule of law at the local level, and enforced the Civil Rights Act of 1964.

The murder of Chaney, Goodman, and Schwerner proved to be a tipping point during the civil rights era that focused the nation's interest on racial discrimination and intimidation in Mississippi and helped to strengthen the nation's resolve for equal rights for all Americans. The law is all the more significant since it names the Jackson, Mississippi FBI field office, which was created at the behest of President Lyndon B. Johnson as a result of this horrific crime. These young men died in service to their country on a mission to demand that all Americans enjoy the same rights in our democracy.

TO DESIGNATE THE FEDERAL BUILDING LOCATED AT 100 NORTH PALAFOX STREET IN PENSACOLA, FLORIDA, AS THE “WINSTON E. ARNOW FEDERAL BUILDING”

Public Law 111–297
(H.R. 4387)
December 14, 2010

This law designates the Federal building located at 100 North Palafox Street in Pensacola, Florida, as the “Winston E. Arnow Federal Building”. Pursuant to P.L. 108–288, the building is currently named the “Winston E. Arnow United States Courthouse”. H.R. 4387 re-designates the building as a Federal building because there is a U.S. Courthouse across the street from the Arnow building and the Judiciary maintains that having two adjacent buildings designated as courthouses is confusing to jurors, litigants, and others.

Winston Eugene Arnow was born in Micancopy, Florida, in 1911. He attended the University of Florida and graduated with a degree in Business Administration in 1932, and later earned a law degree in 1933.

Mr. Arnow began his career in private practice, but took a hiatus to serve in the U.S. Army during World War II as a Major and a member of JAG Corps. He later returned to private practice and served as a municipal judge before President Lyndon B. Johnson appointed him as a U.S. District Judge. Judge Arnow served as the Chief Judge of the Northern District of Florida, stretching from Pensacola to Gainesville, from 1969 until 1981. Judge Arnow assumed senior status in 1981 and continued his work on the Federal bench until his death in 1994.

Judicial authorities and officials viewed Judge Arnow as “all integrity”; he ignored criticism by doing what he thought was the right and proper thing to do to protect civil liberties. His name is now synonymous with the momentous civil rights period from 1969 to 1978 in northwest Florida, because he followed the U.S. Supreme Court mandates to ensure public school desegregation and improved prison conditions in the Escambia County jail. Judge Arnow ordered the Escambia school district desegregated in 1969 and in 1978 he was responsible for drawing up a special electoral district to ensure that the County Commission would have at least
one black member. In 1972, Judge Arnow’s decision regarding the Naval Live Oaks Reservations ended a long controversial dispute over ownership when he declared the historic woodland in the Gulf to be owned by the citizens of the United States. Judge Arnow also presided over the nationally spotlighted trial of the Gainesville Eight.

TO DESIGNATE THE FEDERAL BUILDING AND U.S. COURTHOUSE LOCATED AT 515 9TH STREET IN RAPID CITY, SOUTH DAKOTA, AS THE “ANDREW W. BOGUE FEDERAL BUILDING AND UNITED STATES COURTHOUSE”

Public Law 111–298
(H.R. 5651)
December 14, 2010

This law designates the Federal building and U.S. courthouse located at 515 9th Street in Rapid City, South Dakota, as the “Andrew W. Bogue Federal Building and United States Courthouse”. Andrew Bogue was born on May 23, 1919, in Yankton, South Dakota. After graduating from State College in Brookings, South Dakota, Mr. Bogue served in the U.S. Army Signal Corps during World War II. Upon completion of his service, he attended and graduated from the University of South Dakota Law School in 1947. He went into private practice for several years before returning to the U.S. Army for service in the JAG Corps. After being discharged, he served on the South Dakota Cement Commission from 1957 until 1966. In 1967, Judge Bogue was elected a State court judge to the Second Judicial Circuit, where he sat for three years until his appointment as a Federal judge.
Judge Andrew Bogue was nominated to the Federal bench by President Richard Nixon in 1970 and served for 15 years as an active district Federal judge before taking on senior status in 1985. Judge Bogue served as Chief Judge from 1980 to 1985. Even after taking on senior status, Judge Bogue continued to hear cases up until a few months before his death on June 10, 2009.

TO DESIGNATE THE BUILDING OCCUPIED BY THE GOVERNMENT PRINTING OFFICE LOCATED AT 31451 EAST UNITED AVENUE IN PUEBLO, COLORADO, AS THE “FRANK EVANS GOVERNMENT PRINTING OFFICE BUILDING”

Public Law 111–299
(H.R. 5706)
December 14, 2010

This law designates the building occupied by the Government Printing Office (GPO) located at 31451 East United Avenue in Pueblo, Colorado, as the “Frank Evans Government Printing Office Building”.
Frank Edward Evans was born on September 6, 1923, in Pueblo, Colorado. He went to school in Colorado Springs before attending
Pomona College in 1941. He disrupted his studies to serve as a U.S. Navy pilot during World War II. After completion of his service, Mr. Evans attended the University of Denver, graduating with a bachelor's degree, and then received his law degree in 1950. After graduating from law school, Evans went into private practice in Pueblo, Colorado, and was elected to the Colorado State House of Representatives in 1960. In 1964, Evans was elected to U.S. House of Representatives, where he served Colorado's 3rd Congressional District for seven terms until his retirement in 1978. Representative Evans is credited with bringing the Government Printing Office Distribution Center to Pueblo, Colorado. Representative Frank Edwards Evans died on June 8, 2010.

TO DESIGNATE THE FEDERAL BUILDING LOCATED AT 6401 SECURITY BOULEVARD IN BALTIMORE, MARYLAND, COMMONLY KNOWN AS THE SOCIAL SECURITY ADMINISTRATION OPERATIONS BUILDING, AS THE "ROBERT M. BALL FEDERAL BUILDING"

Public Law 111–301
(H.R. 5773)
December 14, 2010

This law designates the Federal building located at 6401 Security Boulevard in Baltimore, Maryland, commonly known as the Social Security Administration Operations Building, as the "Robert M. Ball Federal Building".

Commissioner Robert M. Ball was the longest-serving head of the Social Security Administration (SSA) and one of its staunchest supporters throughout the Administration’s long history. Commissioner Ball was often described in press accounts as not only the longest-serving Social Security Commissioner, but also as chief advocate and defender of the SSA through the years. Commissioner Ball joined the SSA just four years after it was created by President Franklin D. Roosevelt.

Robert M. Ball was born in New York, New York, on March 28, 1914. He graduated from Wesleyan University in 1935 with a Bachelor of Arts in English and in 1936 obtained a Masters degree in Economics. Commissioner Ball got his start with the SSA as a field assistant in New Jersey in 1939. He then began his rise through the ranks at SSA by helping to implement the disability insurance program beginning in 1956, orchestrating the developments that produced the 1972 amendments to link benefits to inflation, and helping to develop and implement Medicare. From 1947 to 1948, he served as Staff Director for the Senate Finance Committee's Advisory Council. After his time on Capitol Hill, Commissioner Ball returned to the SSA and served in several positions before he was appointed as Commissioner by President John F. Kennedy in 1962.

Commissioner Ball went on to be appointed as Commissioner under President Lyndon B. Johnson twice and later served under President Richard M. Nixon. After Commissioner Ball left the SSA, he continued to have a significant role in shaping the program. In 1981, he served as a Member of the National Commission on Social
Security Reform, arguing for a mix of tax increases and benefit cuts to maintain the viability of the Social Security trust fund. Commissioner Ball remained an outspoken opponent of any attempts to dismantle Social Security or privatize Social Security throughout the 1990s. One historian described Commissioner Ball as “the major non-Congressional player in the history of Social Security in the period between 1950 and the present.” Commissioner Robert M. Ball died on January 29, 2008, and is survived by his wife of 71 years, Doris McCord Ball.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR THE GREATER WASHINGTON SOAP BOX DERBY

(H. Con. Res. 37)

March 12, 2009

H. Con. Res. 37 authorizes the use of the Capitol grounds for the Greater Washington Soap Box Derby.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR THE NATIONAL PEACE OFFICERS’ MEMORIAL SERVICE

(H. Con. Res. 38)

May 12, 2009

H. Con. Res. 38 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. 39)

March 17, 2009


AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR AN EVENT TO HONOR MILITARY PERSONNEL WHO HAVE DIED IN SERVICE TO THE UNITED STATES AND TO ACKNOWLEDGE THE SACRIFICE OF THE FAMILIES OF THOSE INDIVIDUALS AS PART OF THE NATIONAL WEEKEND OF REMEMBRANCE

(H. Con. Res. 171)

August 5, 2009

H. Con. Res. 171 permits the White House Commission on Remembrance to sponsor a free public event on the Capitol grounds on September 26, 2009, to honor military personnel who have died in service to the United States, and to acknowledge the sacrifice of their families as part of the National Weekend of Remembrance.
AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR THE GREATER WASHINGTON SOAP BOX DERBY
(H. Con. Res. 247)
May 7, 2010

AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR THE DISTRICT OF COLUMBIA SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN
(H. Con. Res. 263)
May 7, 2010

AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR THE NATIONAL PEACE OFFICERS’ MEMORIAL SERVICE
(H. Con. Res. 264)
April 29, 2010
H. Con. Res. 264 permits the Grand Lodge of the Fraternal Order of Police and its auxiliary to sponsor a free public event, the 29th annual National Peace Officers’ Memorial Service, on the Capitol grounds on May 15, 2010, to honor the law enforcement officers who died in the line of duty during 2009.

COMMENDING THE HEROIC EFFORTS OF THE PEOPLE FIGHTING THE FLOODS IN NORTH DAKOTA AND MINNESOTA
(H. Res. 415)
May 12, 2009
H. Res. 415 commends the heroic efforts of the people fighting the floods in North Dakota and Minnesota.

EXPRESSING CONDOLENCES TO THE FAMILIES OF THE INDIVIDUALS KILLED DURING UNUSUAL STORMS AND FLOODS IN THE STATE OF GEORGIA BETWEEN SEPTEMBER 18 AND 21, 2009, AND EXPRESSING GRATITUDE TO ALL OF THE EMERGENCY PERSONNEL WHO CONTINUE TO WORK WITH UNYIELDING DETERMINATION TO MEET THE NEEDS OF GEORGIA’S RESIDENTS
(H. Res. 765)
September 23, 2009
H. Res. 765 extends condolences to the families of those who lost their lives, and to families who lost their homes and other property, in the floods in Georgia. In addition, H. Res. 765 thanks the
people of Georgia and the surrounding states who continued to work to protect people from the floodwaters, and expresses support for Federal Emergency Management Agency (FEMA) efforts to respond to needs of affected citizens and communities. It also honors the emergency responders for their bravery and sacrifice.


(H. Res. 1059)
February 23, 2010

H. Res. 1059 honors the United States Agency for International Development, Office of U.S. Foreign Disaster Assistance, and Federal Emergency Management Agency-supported urban search and rescue teams that were deployed to Haiti in the aftermath of the January 12, 2010, Haitian earthquake.

EXPRESSING THE SYMPATHY AND CONDOLENCES OF THE HOUSE OF REPRESENTATIVES TO THOSE PEOPLE AFFECTED BY THE FLOODING IN TENNESSEE, KENTUCKY, AND MISSISSIPPI IN MAY, 2010

(H. Res. 1337)
May 13, 2010

H. Res. 1337 expresses condolences to the families of those who lost their lives or property as the result of flooding beginning on May 2, 2010, in Tennessee, Kentucky, and Mississippi. In addition, it expresses appreciation to the people of Tennessee and the surrounding States who continue to work to protect people from the floodwaters and aid in recovery efforts and support to FEMA as it continues to respond to needs of the affected communities. Finally, H. Res. 1337 honors the emergency responders across Tennessee for their bravery and sacrifice.

RESOLUTION OBSERVING THE FIFTH ANNIVERSARY OF THE DATE ON WHICH HURRICANE RITA DEVASTATED THE COASTS OF LOUISIANA AND TEXAS, AND FOR OTHER PURPOSES

(H. Res. 1583)
September 15, 2010

H. Res. 1583 observes the fifth anniversary of the date on which Hurricane Rita devastated the coasts of Louisiana and Texas, remembers those lost in the storm and in the process of evacuation, recovery, and rebuilding; salutes the dedication of the volunteers
who offered assistance in support of those affected by the storm; recognizes the progress of efforts to rebuild the affected Gulf Coast region; commends the persistence of the people of the States of Louisiana and Texas following the second major hurricane to hit the Gulf Coast that season, and reaffirms Congress' commitment to restore and renew the Gulf Coast region.

Other Legislation

DISASTER RESPONSE, RECOVERY AND MITIGATION ENHANCEMENT ACT OF 2009

(H.R. 3377)

Reported Favorably to the House on July 22, 2010


The Stafford Act is administered by the Federal Emergency Management Agency (FEMA) and provides the statutory authority for most Federal activities in the wake of a natural disaster or other emergency. While the Stafford Act is best known for the response and recovery activities undertaken by FEMA after the President declares a major disaster, the Stafford Act also authorizes the Federal Government’s all hazard preparedness and mitigation programs. Together, these programs help communities and citizens prepare for, respond to, recover from, and mitigate the broad range of hazards our nation faces.

H.R. 3377 reauthorizes certain FEMA programs and activities, codifies other programs that FEMA is currently administering under the authority of the Stafford Act but which are not expressly authorized in statute, amends eligibility under FEMA programs, and makes technical corrections to the Stafford Act.

FEMA INDEPENDENCE ACT OF 2009

(H.R 1174)

Reported Favorably to the House on April 13, 2010

H.R. 1174, the “FEMA Independence Act of 2009”, re-establishes the Federal Emergency Management Agency (FEMA) as an independent, cabinet-level agency reporting directly to the President. Prior to the creation of the Department of Homeland Security (DHS) in 2003, FEMA was an independent agency responsible for administering the Federal Government’s assistance to States and local governments whose citizens and communities are affected by disasters. Since 2003, the nation has witnessed a stark deterioration in FEMA’s response and provision of disaster assistance. By removing FEMA from the deep and layered bureaucracy within DHS, the bill restores FEMA’s ability to be a nimble and effective response agency.
H.R. 1174 reinstates FEMA’s mission to save lives, reduce damage to property, and protect citizens and communities nationwide from a variety of hazards, both natural and man-made. While leading a comprehensive emergency management system at the Federal level, FEMA will work to foster and harness State and local capability to respond successfully to a disaster. As prescribed by the bill, the newly independent FEMA will be led by an Administrator and a Deputy Administrator with extensive experience in how to prepare for, respond to, recover from, and mitigate hazards. The bill maintains and strengthens FEMA’s regional structure by authorizing ten regional offices and three area offices. Under the bill, FEMA would have responsibility for core emergency management programs and functions currently administered by the Agency.

**ECONOMIC REVITALIZATION AND INNOVATION ACT OF 2010**

*(H.R. 5897)*

Reported Favorably to the House on September 29, 2010

The Economic Revitalization and Innovation Act of 2010 reauthorizes Economic Development Administration (EDA) programs and provides $500 million in funding for each of fiscal years 2011 through 2015, for a total authorization of $2.5 billion. H.R. 5897 creates new programs and adds additional flexibility to EDA’s current authorities including an increased focus on long-term job creation and business formation through expanded investments in business incubators and science and research parks. The bill ensures that EDA will continue to meet the challenges of high unemployment in economically distressed communities and the need for innovative job creation programs.

**APPALACHIAN VETERANS OUTREACH IMPROVEMENT ACT**

*(H.R. 5226)*

Reported Favorably to the House on July 29, 2010

H.R. 5226, the “Appalachian Veterans Outreach Improvement Act”, directs the Secretary of Veterans Affairs (VA) and the Appalachian Regional Commission (ARC) to carry out a program of outreach to veterans who reside in the Appalachian region in order to increase their awareness, access, and use of federal, state, and local programs providing compensation and other benefits available as a result of service in the Armed Forces. The bill permits the VA to enter into agreements with other Federal and State agencies to carry out programs of outreach to veterans and the ARC to provide technical assistance, award grants, enter into contracts or provide funding to persons or entities in Appalachia for the purpose of increased access and awareness of veterans programs. Lastly, the bill permits the Secretary of Veterans Affairs and the ARC to provide directly or by contract with nonprofit organizations, technical assistance to increase the number of veterans receiving Federal, State and local services.
FIRE GRANTS REAUTHORIZATION ACT OF 2009

(H.R. 3791)

Passed the House on November 18, 2009

The “Fire Grants Reauthorization Act of 2009” amends the Federal Fire Prevention and Control Act of 1974 to reauthorize through FY 2014 FEMA’s Assistance to Firefighters Grants (AFG) program and the Staffing for Adequate Fire and Emergency Response program. Additionally, it modifies the scope of the AFG program by permitting the use of grant funds for volunteer, non-fire service emergency medical services organizations and for certifying fire and building inspectors employed by a fire department or serving as a volunteer building inspector with a fire department. The bill also prohibits providing program funds to the Association of Community Organizations for Reform Now or any of its affiliates, subsidiaries, or allied organizations.

H.R. 3791 increases funding for fire prevention and firefighter safety programs; and maximum AFG grant amounts. Also, it lowers matching and maintenance of expenditure requirements and authorizes the Administrator of FEMA to waive or reduce such requirements for applicants facing demonstrated economic hardship. The bill revises grant allocation requirements to require 25 percent of grant amounts for a fiscal year to be allocated to each of: career fire departments; volunteer fire departments; combination fire departments. It also requires remaining amounts to be awarded on a competitive basis among such fire departments.

MULTI-STATE DISASTER RELIEF ACT

(H.R. 5825)

Passed the House on July 27, 2010

H.R. 5825 directs the Administrator of FEMA, in cooperation with representatives of State and local emergency management agencies, to review, update, and revise through rulemaking, the factors, including the severity, magnitude, and impact of a disaster considered when evaluating a governor’s request for a major disaster declaration. The bill also requires the Administrator to include as a factor whether a contiguous county in an adjacent State has been designated in a major disaster or emergency as a result of the same incident.

NATIONAL COMMISSION ON CHILDREN AND DISASTERS REAUTHORIZATION ACT OF 2010

(H.R. 5266)

Passed the House on July 20, 2010

H.R. 5266, the “National Commission on Children and Disasters Reauthorization Act of 2010”, reauthorizes the National Commission on Children and Disasters (Commission) and extends the due date of the final report of the Commission to December 31, 2012.
Hurricane Katrina exposed many problems with our nation’s ability to meet the needs of children during disasters. Approximately one-fourth of the people who lived in areas damaged or flooded by Hurricane Katrina were under age 18. In response, Congress created the National Commission on Children and Disasters Commission in P.L. 110–161, Title VI, the Kids in Disasters Well Being Act of 2007. The purposes of the Commission are to: (1) conduct a comprehensive study to examine and assess the needs of children as they relate to preparing for, responding to, and recovering 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 preparing for, responding to, and recovering from all hazards, including major disasters and emergencies.

Pursuant to the 2007 Act, the Commission is required to submit an interim report, followed by a final report two years after its first meeting, to the President and Congress, on its specific findings, conclusions, and recommendations. The Commission held its first meeting October 14, 2008. On October 14, 2009, the Commission issued an interim report. The Commission issued an additional progress report on May 11, 2010. In response to previous testimony from the Commission, the Committee added language to H.R. 3377, the “Disaster Response, Recovery, and Mitigation Enhancement Act of 2009”, to require the Administrator of FEMA to consider the recommendations of the Commission in the drafting and updating of certain plans, strategies, policies, regulations, and educational course materials. Reauthorizing the Commission will allow it to advise Congress and the President on how this provision and the recommendations of the Commission are being implemented.

**TO AUTHORIZE THE ADMINISTRATOR OF GENERAL SERVICES TO CONVEY A PARCEL OF REAL PROPERTY IN THE DISTRICT OF COLUMBIA TO PROVIDE FOR THE ESTABLISHMENT OF A NATIONAL WOMEN’S HISTORY MUSEUM**

(H.R. 1700)

Passed the House on October 14, 2009

H.R. 1700 directs the Administrator of General Services to sell, at fair market value, real property in southwest Washington, D.C., commonly known as the “Cotton Annex” site, to the National Women’s History Museum, Inc. (NWHM), a District of Columbia non-profit corporation, for the purpose of establishing a museum dedicated to women’s history. The site is bounded by 12th Street SW., Independence Ave., the James Forrestal Building, and C Street SW. The NWHM is a non-partisan, educational institution with a mission of highlighting, and celebrating historic contributions of women in the United States.

The NWHM was founded in 1996, and has been seeking a permanent physical location in the nation’s capital since its inception. According to the NWHM, it intends to build a “green” building that...
will cost between $250 million and $350 million. The costs will include design, planning, construction, and two years of operation. The museum is expected to be a focal point that will have permanent and temporary exhibits, special events, and education materials that highlight women’s social, political, and intellectual contributions to history. According to the NWHM, this museum will be the first permanent and comprehensive record of women’s history in Washington, D.C.

The site will be conveyed to the NWHM at fair market value of the highest and best use of the parcel, as determined by an independent appraisal. The appraisal will be commissioned by the Administrator and paid for by the NWHM. All costs associated with the transfer of the parcel will be borne by the NWHM. The NWHM will have five years to raise funds to construct the museum. If, after five years, the fundraising has not been successful, the property will revert back to the Federal Government. The Federal Government’s interest in the parcel is further protected by limiting use of the parcel as a site for the NWHM for 99 years.

**To Provide for the Joint Appointment of the Architect of the Capitol by the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Majority and Minority Leaders of the House of Representatives and Senate, and the Chairs and Ranking Minority Members of the Committees of Congress with Jurisdiction Over the Office of the Architect of the Capitol, and for Other Purposes**

(H.R. 2843)

Passed the House on February 3, 2010

H.R. 2843 requires the Architect of the Capitol (AOC) to be appointed jointly by the Speaker of the House of Representatives, the President pro tempore of the Senate, the Majority and Minority Leaders of the House of Representatives and Senate, the chair and ranking Minority Member of the House Committee on House Administration, the chair and ranking Minority Member of the Senate Committee on Rules and Administration, and the chair and ranking Minority Members of the congressional appropriations committees. Additionally it establishes a 10-year term for the AOC, as under current law, but permits additional reappointments and repeals the requirement of the Legislative Branch Appropriations Act, 1990 that the AOC be appointed by the President, by and with the advice and consent of the Senate.
TO AUTHORIZE THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION TO PLAN, DESIGN, AND CONSTRUCT A VEHICLE MAINTENANCE BUILDING AT THE VEHICLE MAINTENANCE BRANCH OF THE SMITHSONIAN INSTITUTION LOCATED IN SUITLAND, MARYLAND, AND FOR OTHER PURPOSES

(H.R. 3224)

Passed the House on December 8, 2009

H.R. 3224 authorizes $4 million for the Board of Regents of the Smithsonian Institution to plan, design and construct a vehicle maintenance building in Suitland, Maryland.

The current location, at the National Zoological Park’s General Services Building, is unsuitable based on space constraints and potential environmental hazards. Vehicle maintenance currently shares space with the Zoo’s Animal Nutrition Commissary, exhibit production shop, horticulture storage, merchandise warehouse and professional office functions. It creates additional traffic in an area heavily used by pedestrians and vehicles of Zoo visitors. It is not convenient to vendors who supply parts for vehicle maintenance. The narrow service drive makes access to service bays awkward. It does not have proper facilities to accommodate use of alternative fuels.

The Suitland site allows for greater use of alternative fuels by many of the 780 Smithsonian vehicles and pieces of equipment, valued at more than $17 million, and better compliance with environmental regulations. Timing for the relocation is also propitious since the General Services Building is to undergo structural renovations beginning in FY 2012. The Smithsonian has determined that construction of a vehicle maintenance building at the Suitland site will be more cost-effective than leasing a facility.

AUTHORIZES THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION TO PLAN, DESIGN, AND CONSTRUCT A FACILITY AND TO ENTER INTO AGREEMENTS RELATING TO EDUCATION PROGRAMS AT THE NATIONAL ZOOLOGICAL PARK FACILITY IN FRONT ROYAL, VIRGINIA

(H.R. 5717)

September 28, 2010

H.R. 5717 authorizes the renovation and expansion of an existing building to be used as an educational facility at the Smithsonian Institution’s National Zoological Park (NZP) facility in Front Royal, Virginia. The bill also authorizes third parties to construct and operate housing and food service facilities on Smithsonian property that further the educational and research program goals of the NZP. The provision of the housing and food service facilities and their operation are to be funded entirely from other sources, and the bill expressly provides that these costs will not be borne by the Smithsonian Institution.

The NZP building will be renovated and expanded to 25,400 gross square feet. It will consist of classrooms, laboratories, offices, and support spaces. The construction is planned to provide a code-
compliant, Leadership in Energy & Environmental Design (LEED)-
certified facility, using the entire existing structure, which consists
of 14,925 gross square feet. Reuse of existing structures is a hall-
mark of sustainable design and construction because it minimizes
waste. The operation and maintenance costs of the renovated and
expanded existing facility are to be covered by tuition payments
from students attending the educational facility.

TO DESIGNATE THE UNITED STATES COURTHOUSE TO BE CON-
STRUCTED IN JACKSON, MISSISSIPPI, AS THE “R. JESS BROWN
UNITED STATES COURTHOUSE”

(H.R. 842)

Passed the House on March 10, 2009

H.R. 842 designates the United States Courthouse to be con-
structed in Jackson, Mississippi, as the “R. Jess Brown United
States Courthouse”.

R. Jess Brown was born in Coffeeville, Kansas, on September 2,
1912. He was educated in the Muskogee, Oklahoma, public school
system. 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.

In 1948, he was a co-plaintiff in a lawsuit for equal salaries for
Jackson, Mississippi school teachers. In 1953, he was admitted to
the bar for the State of Mississippi and admitted to practice before
the United States District Court for the Southern District of Mis-
sissippi. In 1955, he co-founded the Magnolia Bar Association, and
he later served on the Board of the National Bar Association for
nearly 15 years. In 1958, he was admitted to practice before the
United States Supreme Court.

As Associate Counsel for the National Association for the Ad-
vancement of Colored People (NAACP) Legal Defense and Edu-
cational 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. In 1961,
Brown represented James H. Meredith in his suit to be allowed to
enter the University of Mississippi; his victory in this case opened
the doors of that university to all of Mississippi’s citizens. 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 alongside 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 convic-
tions 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.

H.R. 869 designates the United States Bankruptcy Courthouse located at 101 Barr Street in Lexington, Kentucky as the “Scott Reed Federal Building and United States Courthouse”.

Passed the House on March 10, 2009

Judge Scott Reed was born in Lexington, Kentucky, on July 3, 1921, and died February 17, 1994. Judge Reed served as an attorney, State judge, and Federal judge. While in law school, he was Editor in Chief of the Kentucky Law Journal, graduated with distinction, and was awarded the Order of the Coif, the highest academic award that can be given to a law school graduate. While in the private practice of law, he was County Attorney, retained as counsel for the Fayette County School Board, and also distinguished himself as a trial lawyer of great skill. Judge Reed was elected as a Fellow in the National College of the Judiciary in 1965. Judge Reed was also voting member of the American Law Institute, a scholarly organization.

From 1964 until 1969, Judge Reed was a member 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 his colleagues of the Court of Appeals as Chief Justice. He became the first Chief Justice of the Commonwealth of Kentucky. His opinions from the Supreme Court of Kentucky were highly regarded and often cited by other jurisdictions. Judge Reed was a member of the American, Kentucky, and Fayette County Bar Associations.

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 on August 1, 1988, and retired on April 1, 1990. He was a frequent lecturer to the National College of Trial Judges and was named to the Hall of Distinguished Alumni of the University of Kentucky on April 11, 1980.

H.R. 887 designates the United States courthouse located at 131 East 4th Street in Davenport, Iowa, as the “James A. Leach United States Courthouse”.

Passed the House on March 10, 2009

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.

Former Representative Leach began his public service career in 1965 as a staff person to then-Representative Donald Rumsfeld. 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. Representative Leach represented the 2nd District of Iowa in the United States House of Representatives for 30 years (1977–2007). A career public servant, Representative 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 Representative Leach joined the faculty of Princeton’s Woodrow Wilson School of Public and International Affairs as a visiting professor.

TO DESIGNATE THE FEDERAL BUILDING AND UNITED STATES COURTHOUSE LOCATED AT 1300 VICTORIA STREET IN LAREDO, TEXAS, AS THE “GEORGE P. KAZEN FEDERAL BUILDING AND UNITED STATES COURTHOUSE”

(H.R. 2423)

Passed the House on October 15, 2009

H.R. 2423 designates the Federal building and United States courthouse located at 1300 Victoria Street in Laredo, Texas, as the “George P. Kazen Federal Building and United States Courthouse”. H.R. 2423 will not take effect until the first day on which George P. Kazen is no longer serving as a Federal District Judge.

George P. Kazen was born in Laredo, Texas, in 1940. In 1960, he earned a bachelor’s degree in Business Administration from the University of Texas. He later earned his law degree from the University of Texas School of Law in 1961. Kazen began his professional career as a Briefing Attorney for the Texas Supreme Court in 1961 and 1962. From 1962 to 1965, he was a U.S. Air Force Captain in the Judge Advocate General’s (JAG) Corps. Following his military service, Kazen worked in a private practice in Laredo until 1979.

In 1979, President Jimmy Carter nominated George P. Kazen as a U.S. District Court Judge for the Southern District of Texas. Judge Kazen has served on the bench for more than 30 years, including as Chief Judge from 1996 to 2003. On May 31, 2009, he assumed senior status on the court.

During his tenure on the bench, Judge Kazen considered a wide variety of cases. In Luna v. Van Zandt, a 1982 case, he invalidated
a Texas statute that allowed for the detaining of individuals perceived as mentally ill for up to 14 days without a commitment hearing. In addition, Judge Kazen has testified before Congress and written several articles on issues of Federalism and the courts. Outside of the courtroom, Judge Kazen is a stalwart of his community serving numerous civic organizations in South Texas.

**TO DESIGNATE THE UNITED STATES COURTHOUSE UNDER CONSTRUCTION AT 101 SOUTH UNITED STATES ROUTE 1 IN FORT PIERCE, FLORIDA, AS THE “ALTO LEE ADAMS, SR., UNITED STATES COURTHOUSE”**

(H.R. 3193)

Passed the House on September 9, 2009

H.R. 3193 designates the United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the “Alto Lee Adams, Sr., United States Courthouse”. Alto Lee Adams, Sr. was born and raised in Walton County, Florida, and graduated from the University of Florida Law School in 1921. After practicing law in Fort Pierce County for 14 years, Judge Adams was appointed to the Florida state circuit court in 1938.

In 1940, Florida citizens voted for the creation of a seventh seat on the State Supreme Court. Then-Governor Cone appointed Judge Adams to the State’s highest court. He served on the Florida Supreme Court until 1951, the last two years as the Chief Justice. During this time, Justice Adams authored one of his most highly-regarded decisions in *Taylor v. State*, which illustrated Justice Adams’ dedication to civil rights. He wrote that “[a]s to the relative rights and duties, the law makes no [racial] distinction.” Justice Adams also continually advocated for individual property rights over the Federal Government’s power of eminent domain. In 1967, then-Governor Kirk re-appointed Justice Adams to the State Supreme Court, where he remained on the court until his mandatory retirement in 1968. Throughout his legal career, Justice Adams co-authored a book and wrote several articles regarding legal history and philosophy. His 13 years of service on the Florida State Supreme Court are marked by his fairness on the bench.

He was also an active member of his community serving as President of the Florida State Elks Association and as Vice Chair of the State Welfare Board.

**TO DESIGNATE THE FEDERAL BUILDING AND UNITED STATES COURTHOUSE LOCATED AT 224 SOUTH BOULDER AVENUE IN TULSA, OKLAHOMA, AS THE “H. DALE COOK FEDERAL BUILDING AND UNITED STATES COURTHOUSE”**

(H.R. 3305)

Passed the House on November 17, 2009

H.R. 3305 designates the Federal building and United States courthouse located at 224 South Boulder Avenue in Tulsa, Oklahoma, as the “H. Dale Cook Federal Building and United States Courthouse”.
Courthouse”. H. Dale Cook was born April 14, 1924 in Guthrie, Oklahoma.

On December 2, 1974, President Gerald Ford nominated H. Dale Cook to serve as a Federal Judge for the United States District Court for the Western, Northern, and Eastern Districts of Oklahoma. Cook was confirmed by the U.S. Senate on December 18, 1974. In 1979, Cook became the Chief Judge for the Northern District of Oklahoma, and held this position until becoming Senior Judge in 1992. As a Senior Judge, Cook carried a robust criminal docket until months before his death in September 2008.

H. Dale Cook spent much of his professional career in public service. During 1944 and 1945, he served as a fighter pilot instructor and achieved a Lieutenant rank in the United States Army Air Corps. He then served in the United States Air Force Reserve from 1945 until 1953. During that time, he earned his Bachelor of Science and Bachelor of Laws from the University of Oklahoma and the University of Oklahoma School of Law in 1949 and 1950, respectively.

Before becoming a Federal Judge, H. Dale Cook held various public service roles, including serving as the Logan County, Oklahoma Attorney (1950–51), First Assistant U.S. Attorney for the Western District of Oklahoma (1954–58), and as Legal Counsel to the Governor of Oklahoma (1963–65). From 1971 to 1974, Cook served in Washington, D.C. as the Director of the Bureau of Hearings and Appeals for the Social Security Administration. His career also contained multiple tenures in private practice, and from 1969 to 1971, he served as President of Shepherd Mall State Bank in Oklahoma City, Oklahoma.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR A CELEBRATION OF CITIZENSHIP DAY

(H. Con. Res. 136)

Passed the House on September 9, 2009

H. Con. Res. 136 permits the National Korean American Service and Education Consortium to sponsor a free public event on the Capitol grounds on September 17, 2009, to celebrate Citizenship Day.

Hearings

During the 111th Congress, the Subcommittee on Economic Development, Public Buildings, and Emergency Management held 34 hearings and three Members’ roundtables.

GSA’S ECONOMIC RECOVERY ROLE: JOB CREATION, REPAIR AND ENERGY EFFICIENCY IN FEDERAL BUILDINGS AND ACCOUNTABILITY

On February 11, 2009, the Subcommittee held a hearing to receive testimony on how infrastructure investment in Federal buildings contributes to job creation and economic recovery. The Subcommittee received testimony from the Acting Administrator of General Services, a representative of an association of architects, and other interested parties.
The Acting Administrator of General Services testified regarding the energy efficiency of solar energy, in particular solar panels and solar roof installations, and the importance of such investment to the nation’s economic recovery. According to one witness, production and installation of solar energy systems creates more high-quality jobs than investment in any other energy technology: 140 manufacturing jobs, 100 installation jobs, and three ongoing operations and maintenance jobs are created with each installation of ten megawatt photovoltaic capacity.

These infrastructure investments improve energy efficiency and promote alternative/renewable energy technologies. They also produce a positive return on investment by reducing operating costs and energy consumption. According to the General Services Administration (GSA), for every $1 million invested in Federal construction, an additional $4.3 million is generated in the local economy. GSA ready-to-go projects include repair, alteration, and construction of land ports of entry, Federal buildings, and U.S. courthouses. An example of a ready-to-go project with a significant energy efficiency component is the Internal Revenue Service project in Massachusetts. This project will incorporate advantages of site location and building characteristics to install solar roof technology, which will reduce heating and cooling loads, and will provide electricity for building operations. Another example of investment in energy technology is the Federal building in Portland, Oregon. This project involves removing the exterior precast cladding and replacing it with new energy efficient window walls. Not only will the new building be more energy efficient but also the retrofit will create approximately 13,000 additional square feet in the building.

The Acting Administrator also testified regarding how GSA planned to select projects funded under the American Recovery and Reinvestment Act (Recovery Act) (P.L. 111–5). GSA testified that the agency had convened a team consisting of national and regional office representatives to review projects that would be good candidates for funding. GSA planned to evaluate projects on a number of criteria, the two most important criteria being: (1) how quickly the project could get started, and (2) how much added energy efficiency and sustainability could be gained from projects ready for construction award within 90–day, one-year, and two-year time frames.

The Subcommittee also reviewed how using contracting techniques such as design-build contracts would allow GSA to start work quickly and make simultaneous improvements to existing designs. The agency gathered and prepared standard scopes of work for many of these improvements, including some provided by the national laboratories run by the Department of Energy.

POST-KATRINA DISASTER RESPONSE AND RECOVERY: EVALUATING FEMA'S CONTINUING EFFORTS IN THE GULF COAST AND RESPONSE TO RECENT DISASTERS

On February 25, 2009, the Subcommittee held a hearing to receive testimony on the status of the recovery from Hurricane Katrina in the Gulf Coast, as well as recovery efforts involving more recent disasters in Texas and Kentucky. The Subcommittee received testimony from the Acting Deputy Administrator of
FEMA; Assistant Administrator, Gulf Coast Recovery Office, FEMA; Executive Director of the Louisiana Recovery Authority; Immediate Past President of the Gulf Coast Foundation, Mississippi; and a local official of Grayson County, Kentucky.

The hearing focused on overall disaster recovery programs being provided by FEMA and concentrated on housing policy, and problems and solutions regarding rebuilding public infrastructure. FEMA testified on the status of the disaster recovery programs in the Gulf Coast and difficulties in those programs, particularly ongoing issues with the Public Assistance program. A witness representing Grayson County, Kentucky, testified on the status of response and recovery efforts for ice storms that occurred the previous month in that county.

ECONOMIC DEVELOPMENT ADMINISTRATION REAUTHORIZATION: RATING PAST PERFORMANCE AND SETTING GOALS DURING AN ECONOMIC CRISIS

On March 10, 2009, the Subcommittee held a hearing to receive testimony on EDA grant programs, major operations, and priorities for its reauthorization. The Subcommittee received testimony from the Acting Assistant Secretary of Commerce for Economic Development, U.S. Department of Commerce; Acting Deputy Assistant Secretary of Commerce for Economic Development, EDA; Executive Director of the Iowa Northland Regional Council of Governments; Director of the EDA University Program at the University of Michigan; Executive Director of the Northern Maine Development Commission; Executive Director of the South Florida Regional Planning Council; Former Director of the Office of Strategic Planning, EDA; and a representative of Grant Thornton.

Witness testimony focused on EDA’s $150 million appropriation under the Recovery Act, and EDA’s recent $500 million supplemental appropriation to address the economic recovery of disaster-impacted communities. EDA’s program effectiveness was confirmed by testimony from a representative of Grant Thornton. Grant Thornton completed a study of EDA’s construction program which found that 2.2 to five jobs were created for every $10,000 of EDA investment. Furthermore, evidence was presented to demonstrate the particular effectiveness of investments made in business incubators—a particular investment focus of EDA historically.

THE SERIOUS COMMERCIAL REAL ESTATE CREDIT CRUNCH AND GSA: LEASING AND BUILDING DURING AN ECONOMIC CRISIS

On March 20, 2009, the Subcommittee held a hearing to receive testimony on the commercial real estate credit crunch and GSA’s leasing and building program during the recent economic crisis. The Subcommittee received testimony from the Assistant Commissioner, Office of Real Estate Acquisition, Public Buildings Service (PBS), GSA; and other stakeholders.

In reaction to a decade of the banking industry’s lax lending practices and poor underwriting due diligence which lead to unprecedented residential foreclosures, access to capital for real estate has become burdensome and restrictive. According to the International Monetary Fund (IMF), “falling house prices and slow-
ing economic growth are hitting credit.” Banks are under con-
tinuing stress and will more than likely continue to restrict lend-
ing. Thus, even healthy companies are or will be deprived of money
for expansion. Access to capital is essential to growth and when ac-
cess is denied the economy is weakened.

GSA 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 will nega-
tively affect not only GSA’s space distribution within its portfolio
but also the budgets of Federal agencies that rely on GSA to supply
office space. The hearing explored how GSA could be more efficient
in its leasing functions to take advantage of a market that was fa-
vorable to commercial office space tenants.

**Disaster Capacity in the National Capital Region: Experiences, Capabilities, and Weaknesses**

On April 3, 2009, the Subcommittee held a hearing to receive tes-
timony on disaster preparedness and response capacity in the Na-
tional Capital Region. The Subcommittee received testimony from
the Region III Administrator, FEMA; Acting Director, Office of the
National Capital Region, FEMA; Chief, U.S. Capitol Police Depart-
ment; Chief, Washington Metropolitan Area Transit Authority Po-
lice; Director, Institute for Public Health Emergency Response, ER
ONE at Washington Hospital Center; Commanding General, Dis-
trict of Columbia National Guard; President and Chief Executive
Officer, American Red Cross of the National Capital Area; Director,
Homeland Security and Emergency Management Agency, Wash-
ington, D.C.; and Deputy Chief Administrative Officer for Public
Safety and Director of Homeland Security, Office of the County Ex-
cutive, Prince George’s County, Maryland.

The hearing focused on how Federal executive and legislative
branch agencies, the District of Columbia, multi-state agencies, vol-
unteer organizations, and the private sector are preparing for dis-
asters and how they will respond. The hearing also focused on plans
to safeguard the citizens of the National Capital Region in the event of a disaster.

**FEMA: Preparedness for the 2009 Hurricane Season**

On May 1, 2009, the Subcommittee held a field hearing in
Miami, Florida, to receive testimony on disaster preparedness and
response in anticipation of the 2009 Atlantic hurricane season. The
Subcommittee received testimony from the Region IV Adminis-
trator, FEMA, Deputy Director, National Hurricane Center, Na-
tional Oceanic and Atmospheric Administration (NOAA); Deputy
Director, Florida Division of Emergency Management; Disaster Of-
ficer, Florida, American Red Cross; and Assistant Director, Miami-
Dade Department of Emergency Management and Homeland Secu-
рит. The Deputy Director of the National Hurricane Center testified
on the outlook for the 2009 Hurricane Season. FEMA, State of
Florida, and American Red Cross officials testified on disaster pre-
paredness for the 2009 Atlantic hurricane season.
On May 5, 2009, the Subcommittee held a hearing to receive testimony on Recovery Act implementation efforts in programs administered by GSA. The Subcommittee received testimony from the Project Management Office Executive of GSA; GSA Inspector General (GSA IG); and Assistant Deputy Commissioner, Budget, Finance, and Management of the Social Security Administration (SSA).

The Recovery Act provided $5.5 billion for GSA to repair, alter, and construct Federal buildings, and to convert existing Federal buildings into more energy efficient buildings. On March 31, 2009, GSA released a comprehensive list of Recovery Act capital projects, including projects in all 50 states, the District of Columbia, and two U.S. territories. In particular, the Subcommittee reviewed the status of SSA’s National Computer Center (NCC) currently located at Woodlawn, Maryland, and construction of the new Department of Homeland Security (DHS) headquarters at St. Elizabeths, Washington, D.C.

The Subcommittee reviewed the steps that GSA had taken to hire contractor support to aid in Recovery Act project management. Members also investigated the energy efficiency and conservation aspects of GSA’s plans, including projects with green roofs, photovoltaic roofs, and cool membrane roofs.

The GSA IG testified about the challenges associated with implementing Recovery Act funds, an amount four times greater than the normal appropriation amount for GSA. According to the GSA IG, GSA faced four challenges in implementing the Recovery Act: (1) hiring qualified personnel; (2) risks related to security, conflicts of interest, and contractor management; (3) managing projects to prevent cost escalations beyond approved funding and avoiding delays; and (4) managing unbudgeted customer needs.

On May 22, 2009, the Subcommittee held a hearing to receive testimony on the status of housing assistance provided to individuals and families in the aftermath of Hurricane Katrina. The Subcommittee received testimony from the Acting Deputy Administrator, FEMA; Senior Advisor to the Secretary for Disaster and Recovery Programs, U.S. Department of Housing and Urban Development; Executive Director, Louisiana Recovery Authority; and Bishop, Episcopal Diocese of Louisiana.

Witnesses from FEMA and the Department of Housing and Urban Development testified on the status of housing programs implemented as part of the recovery from Hurricane Katrina. The Bishop of the Episcopal Diocese of Louisiana testified on case management programs and the difficulties faced by Gulf Coast residents in the aftermath of Hurricane Katrina.
GENERAL SERVICES ADMINISTRATION’S FISCAL YEAR 2010 CAPITAL INVESTMENT AND LEASING PROGRAM (CILP)

On June 8, 2009, the Subcommittee held a hearing to receive testimony on the Fiscal Year 2010 Capital Investment and Leasing Program (CILP). GSA is the central asset management agency of the Federal Government. The Subcommittee received testimony from the Acting Commissioner, PBS, GSA.

The CILP plays a key role in providing the necessary resources to maintain current real property assets and acquire new or replacement assets, through ownership or leasing. The President’s Fiscal Year 2010 Budget requests $610 million for new construction and alteration. The President’s Fiscal Year 2010 Budget request for PBS was augmented by the Recovery Act, which provided $5.5 billion for repair, alteration, and construction projects for Federal buildings. At the hearing the Acting Commissioner testified about the Budget request, including consolidation of the Federal Bureau of Investigation Miami/Miramar, Florida, District Office; constructing two land ports of entry in El Paso County, Texas and Calexico, California; and a roof replacement at the Eisenhower Executive Office Building.

EVALUATING GSA’S FIRST EXPERIENCE WITH NATIONAL BROKER CONTRACTS

On July 15, 2009, the Subcommittee held a hearing to receive testimony on GSA’s National Broker Contract (NBC) and whether it provides GSA with a legitimate tool to meet its statutory obligation to procure commercial office space for Federal agencies. The Subcommittee received testimony from the Assistant Administrator, Office of Real Estate Acquisition, PBS, GSA; Principal Deputy Assistant Inspector General, GSA; Director, Physical Infrastructure, Government Accountability Office (GAO); and several private-sector real estate managers.

On October 4, 2004, GSA awarded the NBC, which is administered by PBS. The NBC is a competitively bid contract that augments services provided by PBS and allows PBS to outsource brokerage services for leases for Federal agencies. The NBC for brokerage services was awarded to four companies: Julien J. Studley, Inc.; the Staubach Company; Jones Lang LaSalle Americas, Inc.; and the Trammell Crow Companies. Because of consolidations and mergers, there are now three companies participating in the NBC: Studley, Inc.; Jones Lang LaSalle Americas, Inc.; and CB Richard Ellis. The contracts were awarded as one-year base contracts, with the option of annual renewals for up to five years. As of April 2009, the four brokers had received $78.7 million in broker fees for handling 942 leases representing about 15.5 million square feet of space. The current contracts expired on March 31, 2010.

GSA testified that, under the current NBC contracts, ordering was to be based upon an equitable distribution between all awardees until GSA established a record of performance and a methodology to convert to performance-based tasking. GSA did not implement a performance-based tasking methodology for the NBC contracts. After the hearing, GSA made several changes to the original NBC. Under the successor to the NBC (NBC2), GSA does not in-
tend to place orders based upon an equitable distribution. When issuing task orders, GSA will instead consider a set of factors including price and past performance. Further, the brokers will be required to bid a different percentage brokerage fee (commission) for three ranges of lease contract values, in place of the single fee structure of the first broker contract.

**Green Buildings Offer Multiple Benefits: Cost Savings, Clean Environment and Jobs**

On July 16, 2009, the Subcommittee held a hearing to receive testimony on the benefits of “green” buildings and GSA’s unique opportunity to bolster the creation of “green” jobs. The Subcommittee received testimony from the Acting Director, Office of Federal High-Performance Green Buildings, GSA; Lead Mechanical Engineer, Office of Building Technologies, U.S. Department of Energy; Senior Advisor, U.S. Department of Labor; and a representative of a realtor association.

Witnesses testified on the ability of their respective agencies to meet the mandates of the Energy Independence and Security Act of 2007 (EISA) (P.L. 110–140). The Subcommittee examined the requirements of EISA for GSA and private-sector facilities. EISA requires Federal agencies to reduce energy consumption. GSA is responsible for an extensive real estate portfolio that must meet the requirements of EISA: GSA owns more than 1,500 Federal buildings totaling 176.5 million rentable square feet of space; and it leases 177.5 million rentable square feet of space in almost 7,100 leased properties. The functional replacement value of the GSA portfolio is about $41.7 billion. GSA’s utility costs are expected to be between $475 million and $500 million in 2009.

At the hearing, the Subcommittee also examined “green” job training designed to assist GSA in servicing green buildings.

**Congressional Vision for a 21st Century Union Station: New Intermodal Uses and a New Union Station Livable Community**

On July 22, 2009, the Subcommittee held a hearing to receive testimony on current Union Station intermodal planning, as well as future development plans for Union Station in Washington, D.C. The Subcommittee received testimony from the Director, Department of Transportation, Washington, D.C.; and President, Union Station Redevelopment Corporation.

Union Station, a monumental gateway structure, was built on its current location as a result of a recommendation from the 1901 McMillan Commission Report. It was designed by the eminent architect Daniel H. Burnham and was completed in 1907. The Federally-owned building includes 213,000 square feet of commercial space. Currently, there are 130 shops in the building and approximately 90,000 people pass through the building on a daily basis. The Union Station metro stop is the busiest stop in the Washington Metropolitan Area Transit Authority (WMATA) system.

The Department of Transportation established the Union Station Redevelopment Corporation (USRC), as a wholly-owned govern-
development Act of 1981 (P.L. 97–125), regarding development and 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.” The USRC’s principal office is required to be in the District of Columbia. The USRC Board consists of the Administrator of the Federal Railroad Administration, the Secretary of Transportation, the Mayor of the District of Columbia, the President of the Federal City Council, and General Superintendent of Amtrak.

The witnesses testified on ongoing efforts to include intercity buses in the Union Station terminal, as well as expanding the overall capacity of Union Station. The Subcommittee will continue to examine the efforts of Union Station to expand its intermodal capabilities.

POST-KATRINA: WHAT IT TAKES TO CUT THE BUREAUCRACY

On July 27, 2009, the Subcommittee held a hearing to receive testimony on defining a catastrophic disaster, the role of the Federal Government after a catastrophic disaster, and whether additional authority is needed to address the response and recovery from a catastrophic disaster. The Subcommittee received testimony from Representative David Loebsack; Administrator, FEMA; former FEMA officials, and representatives of academia, emergency management associations, the American Red Cross, and other stakeholders.

At the hearing academic and government witnesses testified on the difficulties in defining catastrophic disasters. Witnesses also testified on how the Stafford Act could be used in a catastrophic disaster and what new authorities might be needed.

DOING BUSINESS WITH THE GOVERNMENT: THE RECORD AND GOALS FOR SMALL, MINORITY AND DISADVANTAGED BUSINESSES

On September 17, 2009, the Subcommittee held a hearing to receive testimony on the small business plans for the agencies under the Subcommittee’s jurisdiction. The Subcommittee received testimony from the Assistant Secretary of Commerce for Economic Development, U.S. Department of Commerce; Commissioner, PBS, GSA; and Director, Office of Facilities Engineering and Operations, Smithsonian Institution.

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, HUB Zone 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 as annual goal that represents, for that agency, the maximum practicable opportunity for small business concerns.
Agency witnesses testified about their efforts to meet their internal small business goals in the previous fiscal year.

RISK-BASED SECURITY IN FEDERAL BUILDINGS TARGETING FUNDS TO REAL RISKS AND ELIMINATING UNNECESSARY SECURITY OBSTACLES

On September 23, 2009, the Subcommittee held a hearing to receive testimony on the Federal Protective Service (FPS). The Subcommittee received testimony from the Deputy Secretary, U.S. Department of Transportation; Director, Physical Infrastructure, GAO; Commissioner, PBS, GSA; Director, Physical Planning Division, National Capital Planning Commission; Director, FPS, U.S. Immigration and Customs Enforcement; Regional Director, National Capital Region FPS; and other interested parties.

FPS is a part of the frontline defense for thousands of Federal buildings, which include agency headquarters, Federal office buildings, U.S. courthouses, SSA buildings, and other buildings. FPS delivers integrated security and law enforcement services to all Federal buildings that GSA owns, controls, or leases. FPS is a “fee-for-service” organization, and FPS customers reimburse FPS for these services through direct billing. FPS services include providing a visible uniformed presence in major Federal buildings; responding to criminal incidents and other emergencies; installing and monitoring security devices and systems; investigating criminal incidents; conducting physical security surveys; coordinating a comprehensive program for occupants’ emergency plans; presenting formal crime prevention and security awareness programs; and providing police emergency and special security services during natural disasters, such as earthquakes, hurricanes, and major civil disturbances, as well as during man-made disasters, such as bomb explosions and riots.

On February 13, 2007, Chairman James L. Oberstar and Subcommittee Chair Eleanor Holmes Norton wrote to GAO to express concern about the Bush administration’s proposal to reduce the number of FPS officers and their presence nationally in Federal buildings. GAO was asked to examine whether these proposals would adversely affect the Federal Government’s efforts to protect the thousands of Federal workers in Federal buildings and the public who use Federal public buildings on a daily basis. The Committee also asked GAO to examine the placement of the FPS within DHS and how that placement is affecting the agency’s funding, whether diminished funding has played a role in the reduction in force, and whether a reduction in force poses a significant risk to the Federal workforce and Federal assets.

On November 2, 2007, the Chairman and Subcommittee Chair wrote to the Chairmen and Ranking Members of the Committees on Appropriations of the House and Senate expressing their support for an amendment to the Homeland Security appropriations bill, which would require that FPS have no less than 1,200 Commanders, Police Officers, Inspectors, and Special Agents available to protect Federal buildings. The Homeland Security Appropriations Act subsequently included this specific provision.

On July 8, 2009, GAO released its preliminary report that highlighted some of the ongoing security vulnerabilities in Federal buildings. The report cited efforts by GAO investigators to pene-
trate 10 high security buildings with liquid bomb making equipment and to build actual bombs (with inert ingredients) inside the facilities. In each instance, GAO investigators used entrances manned by security guards using x-ray machines and magnetometers. GAO investigators then entered bathrooms and other areas where they were all able to assemble explosive devices. The Committee staff has received several briefings from GAO as a result of a multi-city investigation on the efficacy of FPS.

The Committee has long been concerned with the funding mechanism for FPS and the lack of a risk-based approach to providing security to Federal facilities. Although FPS spends approximately $1 billion to secure Federal facilities, the Committee remains alarmed that the Federal Government may not be getting significant value for its investment, given the recent GAO report. The testimony from FPS reinforced the concern that FPS would be better able to meet its mission of protecting Federal buildings if it were not housed in the United States Immigration and Customs Enforcement agency.

Several witnesses at the hearing testified that a risk management framework will be necessary to address rising security costs to protect Federal assets and that GSA will need to examine the current role of Building Security Committees making security decisions for buildings occupied by Federal entities. FPS's oversight of contract guards was also identified as critical issue when addressing security in Federal buildings. Both GSA and FPS committed to working collaboratively together to address security in Federal buildings.

**Final Breakthrough on the Billion Dollar Katrina Infrastructure Logjam: How Is It Working?**

On September 29, 2009, the Subcommittee held a hearing to receive testimony on the status of the recovery from Hurricanes Katrina and Rita on the Gulf Coast. The Subcommittee received testimony from the Chairman, Civilian Board of Contract Appeals, GSA; Acting Deputy Administrator, FEMA; FEMA Lead, Unified Public Assistance Project Decision Team, Gulf Coast Recovery Office, FEMA; Executive Director, Louisiana Recovery Authority; and President, St. Bernard Parish, Louisiana.

The Civilian Board of Contract Appeals testified on the steps that were being taken to implement the binding arbitration program for appeals of Public Assistance recovery projects that was authorized in section 601 of the Recovery Act. FEMA witnesses also testified on other steps that were being implemented to improve the Public Assistance program for the recovery from Hurricanes Katrina and Rita in the Gulf Coast. Witnesses from the State of Louisiana and St. Bernard’s Parish, Louisiana, testified on how they planned to participate in the arbitration program authorized by the Recovery Act and on the results of other steps that FEMA had taken to improve the pace of recovery.
THIS IS NOT A TEST: WILL THE NATION’S EMERGENCY ALERT SYSTEM DELIVER THE PRESIDENT’S MESSAGE TO THE PUBLIC?

On September 30, 2009, the Subcommittee held a hearing to receive testimony on the status of efforts within the Federal Government, and specifically FEMA, to modernize, expand, and integrate existing emergency alert warning systems through IPAWS. The Subcommittee received testimony from the Assistant Administrator, National Continuity Programs, FEMA; Executive Director, Maryland Emergency Management Agency, State Emergency Operations Center; Director, Physical Infrastructure Issues, GAO; and other stakeholders.

LOOKING OUT FOR THE VERY YOUNG, ELDERLY AND OTHERS WITH SPECIAL NEEDS: LESSONS FROM KATRINA AND OTHER MAJOR DISASTERS

On October 20, 2009, the Subcommittee held a hearing to receive testimony on plans and procedures to provide aid to children, the disabled, and others with special needs in the event of a disaster. The Subcommittee received testimony from the Deputy Administrator, National Preparedness, FEMA; Chairman, National Commission on Children and Disasters; Chair, National Council on Disability; and, Senior Director, Direct Services, American Red Cross.

At the hearing, the Chairman of the National Commission on Children and Disasters testified on its October 14, 2009 interim report and the Chair of the National Council on Disabilities testified on its August 12, 2009 report, entitled “Effective Emergency Management: Making Improvements for Communities and People with Disabilities”. The witnesses testified on steps that could be taken, including legislation, to implement key recommendations of both reports.

RECOVERY TRACKING HEARING #3: FOLLOWING THE DOLLARS TO THE JOBS

On October 27, 2009, the Subcommittee held a hearing to receive testimony on Recovery Act implementation efforts in programs administered by GSA, EDA, and the Smithsonian Institution. The hearing also focused on small and minority business participation in Recovery Act projects. The Subcommittee received testimony from the Commissioner, PBS, GSA; Assistant Secretary of Commerce for Economic Development, U.S. Department of Commerce; Director, Office of Facilities Engineering and Operations, Smithsonian Institution; and representatives of labor organizations, construction companies, and other interested parties.

The Subcommittee examined the specific steps that GSA had taken to ensure that $5 billion of the $5.5 billion of Recovery Act funds would be obligated by the statutory deadline (September 30, 2010), and the remainder would be obligated by September 30, 2011. GSA established a Project Management Office (PMO) to administer Recovery Act funds. GSA testified about how the PMO works in concert with PBS to quickly obligate the funds, as well as how the funds had the dual purpose of addressing GSA’s backlog of capital and maintenance needs and meeting the energy efficiency and conservation goals of EISA for public buildings. GSA testified
that the agency was on target to obligate $5 billion of Recovery Act funds by September 30, 2010.

EDA testified that, although the legislation allowed for obligation of funds through September 30, 2010, EDA obligated the entire $147 million program allocation as of September 25, 2009. In addition, the Smithsonian Institution testified that, as of September 2009, it had awarded 15 of 16 facilities improvement projects, totaling $20.7 million, 83 percent of the funds appropriated to the Smithsonian Institution.

Witnesses also testified about how the Recovery Act funds had affected their businesses and one witness testified about the success of its organization’s pre-apprenticeship program.

STIMULUS TRACKING HEARING #4: ENSURING MONEY MEANS SECURITY WHEN BUILDING GSA BORDER STATIONS TO PROTECT THE U.S.A.

On December 2, 2009, the Subcommittee held a hearing to receive testimony on implementation of the Land Port of Entry/Border Stations construction program and provide suggestions for the future of the program. The Subcommittee received testimony from the Deputy Assistant Commissioner, Recovery Program Management Office, PBS, GSA; and Director, Land Port of Entry Modernization Program Management Office, Customs and Border Protection (CBP), DHS.

This hearing explored Recovery Act implementation efforts of GSA to construct land ports of entry and border stations. Under the program, CBP determines the location of border stations on the northern and southern borders. GSA develops cost estimates, facility design, construction schedules, and, in partnership with CBP, site selection criteria.

The Subcommittee reviewed plans to build seven land ports of entry and border stations with Recovery Act funds. On an average day, GSA reports that $2 billion in trade takes place involving the 163 border stations across the southern and northern borders of United States. There are currently 120 border stations under the jurisdiction and control of GSA. The remaining 43 stations are under the control and jurisdiction of DHS, with 39 of these border stations on the northern U.S. border. Roughly 23 million Americans cross the U.S. border to Mexico and Canada annually.

The Recovery Act provides $300 million for GSA to construct land ports of entry. The purpose of the hearing was to examine the process of how GSA selects locations for border stations and land ports of entry and how GSA can make cost-effective decisions in constructing border stations and land ports of entry.

RECOVERY ACT PROJECT TO REPLACE THE SOCIAL SECURITY ADMINISTRATION’S NATIONAL COMPUTER CENTER

On December 15, 2009, the Subcommittee held a joint hearing with the Subcommittee on Social Security, Committee on Ways and Means, to receive testimony on the plans of GSA and SSA to begin the process of replacing SSA’s national computer processing and data storage facility, the NCC, currently located in Woodlawn, Maryland. The Subcommittees received testimony from the Inspect-
The Recovery Act provides $500 million for replacement of SSA's NCC and it is the single largest Federal building project funded under the Act. This funding includes the cost of purchasing a site (if necessary), building a new facility, and part of the cost of equipping the building. SSA has entered into an agreement with GSA to plan, design, and construct the new facility.

At the hearing, the GSA witness testified regarding the construction process, and the analysis, prepared jointly with the SSA, regarding costs associated with using the existing government-owned site compared to buying a new site for the construction of the computer center. The SSA presented testimony regarding the necessity of systems redundancy, information accuracy, and data security.

**FEMA's Urban Search and Rescue Program in Haiti: How to Apply Lessons Learned at Home**

On February 3, 2010, the Subcommittee held a hearing to receive testimony on the National Urban Search and Rescue System of FEMA, the lessons learned from recent deployments to Haiti, and pending legislation to reauthorize the US&R. The Subcommittee received testimony from the Assistant Administrator for Response and Recovery, FEMA; Secretary of the California Emergency Management Agency; Special Operations Chief, City of Philadelphia Fire Department, Task Force Leader, Pennsylvania Task Force—1; Division Chief, Training and Safety Division, Miami-Dade Fire Rescue Department, and Task Force Leader, Florida Task Force—1; Fire Chief, Virginia Beach Fire Department, Sponsoring Agency Chief, Virginia Task Force—2; and Assistant Chief/Operations, Orange County Fire Authority, and Sponsoring Agency Chief, California Task Force—5.

US&R Task Forces that deployed to Haiti and FEMA provided testimony on their efforts in response to the Haitian Earthquake of January 2010.

**EDA: Lessons Learned from the Recovery Act and New Plans to Strengthen Economic Development**

On February 25, 2010, the Subcommittee held a hearing to receive testimony on EDA implementation of the Recovery Act, EDA reauthorization, the Delta Regional Authority (DRA), and economic development generally. The Subcommittee received testimony from the Assistant Secretary of Commerce for Economic Development, U.S. Department of Commerce; County Executive, St. Louis County, International Economic Development Council; President, Educational Association of University Centers; and other stakeholders.

The Assistant Secretary for Economic Development testified on the Obama administration's development of an EDA reauthorization proposal. All of the witnesses testified in support of EDA and its reauthorization for five years.
U.S. MAYORS SPEAK OUT: ADDRESSING DISASTERS IN CITIES

On March 4, 2010, the Subcommittee held a hearing to receive testimony on a report released by the United States Conference of Mayors regarding their proposed changes to the Stafford Act as well as related programs, policies, and regulations. The hearing also focused on issues related to disasters in cities.

The Subcommittee received testimony from the Mayor, Rochester, New York; Mayor, New Orleans, Louisiana; Mayor, Des Moines, Iowa; representatives of emergency management associations, and other stakeholders.

SNOW DISASTERS FOR LOCAL, STATE, AND FEDERAL GOVERNMENTS IN THE NATIONAL CAPITAL REGION: RESPONSE AND RECOVERY PARTNERSHIPS WITH FEMA

On March 23, 2010, the Subcommittee held a hearing to receive testimony on the status of recovery efforts from the winter’s storms in the National Capital Region and the lessons to be learned from those storms that would apply to future disasters regardless of cause. The Subcommittee received testimony from the Acting Regional Administrator, Region III, FEMA; Director, Office of National Capital Region Coordination; Director, U.S. Office of Personnel Management; Commanding General, District of Columbia Army National Guard; Director, Homeland Security and Emergency Management Agency, Washington, D.C.; Administrator, City of Alexandria, Virginia; Director, Maryland Emergency Management Agency; Acting Deputy General Manager, WMATA; and other stakeholders.

The hearing focused on how the Federal Government, the District of Columbia, Maryland, Virginia, local governments in the region, and WMATA responded to these storms and how they are working to prepare for the next disaster in the region. Testimony was also provided on the unique jurisdictional issues that arise when disasters strike in the National Capital Region.

CAPITAL ASSETS CRISIS: MAINTAINING FEDERAL REAL ESTATE WITH THE DWINDLING FEDERAL BUILDING FUND

On March 24, 2010, the Subcommittee held a hearing to receive testimony on the financial viability of the Federal Building Fund (FBF) and whether GSA has been using its existing authorities to maintain its capital assets. The Subcommittee received testimony from the Commissioner, PBS, GSA; a representative of the Financial Accounting Standards Board (FASB); the lead member of the Counselors of Real Estate engagement group that studied PBS by invitation of GSA; a private sector real estate corporate officer, and a representative of the National Academy of Sciences.

PBS activities are funded primarily through the FBF, an intragovernmental revolving fund into which agencies pay rent to GSA for the space that they occupy. Expenditures from the Federal Building Fund are used to finance the operation and maintenance of existing federally-owned property, to acquire and pay for leased space, and construct and purchase buildings. In January 2003, GAO designated Federal real property an area of high risk, in part, because of deteriorating facilities and an overreliance on costly
leasing. According to GAO, the current practice of relying on leasing to meet long-term space needs results in excessive costs to taxpayers and does not reflect a sensible or economically rational approach to capital asset management. In fiscal year 2008, GSA reported for the first time ever that it was leasing more space than it owned.

The witnesses testified regarding the Office of Management and Budget (OMB) scoring rules and the ways in which considerations of accounting treatment have proven to be the key drivers in asset decision-making on questions as to whether to lease, construct, or purchase space. Current budget scoring rules essentially leave GSA with only two options for meeting the Federal Government’s general purpose space needs: either direct appropriations for new construction or long-term leases. Testimony revealed that FASB plans to issue a significant change to its standard on the accounting of leases that will eliminate the current distinction—also observed by OMB—between operating leases and capital leases. Under the new FASB standard, all leases will be capital.

The implications of this accounting change for the Federal Government are substantial. If this accounting change is adopted by OMB, it will mean that leases will no longer “look cheaper” than ownership alternatives (e.g., Federal construction or purchase) because the full cost of the lease must be scored up front rather than merely the first year’s cost to lease, as at present. The change potentially signals a watershed event for Federal real property asset management. After the new rules become effective in 2013 (and if adopted by OMB), GSA will be able to enter into lease-purchase agreements whereby ownership of the asset will transfer to the Federal Government at the conclusion of the lease term, replacing the current practice whereby GSA is obliged to lease the same space over and over again, without ever achieving ownership. This change would also have a positive effect on the balance of the Federal Buildings Fund because all the rents that GSA receives for Federally-owned space are retained within the Fund for reinvestment in existing owned properties or for construction of new buildings.

PROPOSED FISCAL YEAR 2011 BUDGETS FOR REGIONAL ECONOMIC DEVELOPMENT COMMISSIONS, PRIORITIES AND IMPACTS ON REGIONAL ECONOMICS AND EMPLOYMENT

On April 29, 2010, the Subcommittee held a hearing to receive testimony on the President’s Fiscal Year 2011 Budget request for regional economic development commissions. The Subcommittee received testimony from the Federal Co-Chair, Appalachian Regional Commission; Federal Co-Chair, DRA; Federal Co-Chair, Denali Commission; Executive Director, Northwest Arkansas Economic Development District; and other stakeholders.

Given that the regional commissions and the communities that they serve have had extensive experience and success in mitigating the effects of plant closings and other economic dislocations, lessons applicable to the nation as a whole can be garnered. The DRA testified regarding its 2008 study, entitled “Rethinking the Delta”, that found that for every one percent improvement in life expectancy, employment increases 4.6 percent. To improve the health of
DRA residents and improve their productivity, the DRA has developed a program to bring doctors to underserved communities within the region. Improved access to health care would help alleviate some of the deterrents to companies’ willingness to locate in regions experiencing below-average health outcomes and, therefore, lead to improved long-term economic opportunities for residents.

In the Appalachian region, which has the challenge of economic diversification, private investment plays a critical role. In 2009, ARC projects resulted in private investment at a rate of nearly nine times the ARC investment of Federal funds. Furthermore, the ARC Federal Co-Chair testified that the ARC believes that a regional, place-based approach to development results in the most sustainable form of economic growth.

**PRIORITIES FOR DISASTERS AND ECONOMIC DISRUPTION: THE PROPOSED FY 2011 BUDGETS FOR FEMA AND EDA**

On May 6, 2010, the Subcommittee held a hearing to receive testimony on the President’s Fiscal Year 2011 Budget request for FEMA and EDA. The Subcommittee received testimony from the Administrator, FEMA; and Assistant Secretary of Commerce for Economic Development, U.S. Department of Commerce. Witnesses testified with respect to their budgetary priorities in dealing with natural disasters, man-made disasters, and economic disruption.

**TOO MUCH FOR TOO LITTLE: FINDING THE COST-RISK BALANCE FOR PROTECTING FEDERAL EMPLOYEES IN LEASED FACILITIES**

On May 20, 2010, the Subcommittee held a hearing to receive testimony regarding the public policy and financial implications of having two sets of security standards for leasehold acquisitions undertaken by GSA in urban- and suburban-based space procurements. The Subcommittee received testimony from Representative James Moran; Deputy Assistant Secretary for Infrastructure Protection, DHS; Director Facility Investment & Management, Office of the Deputy Under Secretary of Defense, Installations, and Environment, Department of Defense (DOD); Assistant Commissioner, PBS, GSA; and industry experts in the planning, design, and construction of facility security countermeasures, particularly with regard to Federal facilities.

To determine the appropriate security countermeasures to employ in a given space lease procurement, GSA and its civilian client agencies follow a standard promulgated by the Interagency Security Committee (ISC). However, to determine the appropriate security countermeasures to employ in a given space lease procurement for any DOD space requirement, GSA adheres to a standard promulgated by DOD, known as the “Unified Facilities Criteria (UFC) DOD Minimum Antiterrorism Standards for Buildings”.

Witnesses testified that the Uniform Facilities Criteria (UFC) standard is more stringent and more costly than the ISC standard. Further, while no one questioned the appropriateness of applying the UFC standard to DOD facilities housing combat and Special Forces operations both domestically and abroad, testimony revealed that the categorical application of the UFC standard to all facilities housing DOD personnel, including purely administrative, support-
type DOD agencies and functions, is not based upon any specific risk analysis. Moreover, blanket application of the UFC standard to all DOD civilian/administrative agencies and functions creates incongruities in terms of security with other Federal personnel in similar occupations and with similar missions. No witness provided any reason why DOD civilian personnel should be protected in accordance with security standards that are significantly more stringent than those used to protect other Federal workers in identical or analogous job categories. The three private sector security experts testified in strong support of the context-driven, risk-based, flexible security standard promulgated by the ISC. In championing good risk management, they eschewed, in the words of one expert, a “one-size-fits-all” approach to security, such as applied by DOD.

ELIMINATING WASTE AND MANAGING SPACE IN FEDERAL COURTHouses: GAO RECOMMENDATIONS ON COURTHOUSE CONSTRUCTION, COURTROOM SHARING AND ENFORCING CONGRESSIONALLY AUTHORIZED LIMITS ON SIZE AND COST

On May 25, 2010, the Subcommittee held a hearing to receive testimony on courthouse construction. The Subcommittee received testimony from the Commissioner, PBS, GSA; Chairman, Committee on Space and Facilities, Judicial Conference of the United States; Chair, Committee on Court Administration and Case Management, Judicial Conference of the United States; and Director, Physical Infrastructure, GAO.

The hearing focused on GAO’s draft report on courthouse construction. GAO determined that the 33 courthouses completed by GSA since 2000 include 3.56 million square feet of extra space, attributable to: space that was constructed above the congressionally approved size; space built due to significant overestimation by the Judiciary of the number of senior judges and new judgeships that would need to be accommodated; and the Judiciary’s failure to implement courtroom sharing to the degree supported by the courtroom utilization study conducted by the Federal Judicial Center (FJC), the Judiciary’s educational and research arm. The total value of the unneeded or extra space was estimated by GAO to be $835 million in construction costs, and $11 million in recurring annual operating and maintenance expenses.

The GAO estimate for initial construction costs attributable to building beyond congressionally-authorized size limitations, which at 1.7 million square feet is approximately one-half of the total overbuilding, was contested by the PBS Commissioner. The Commissioner argued that much of the extra space consists of void or “phantom” space in multi-story atria, which is not as expensive to build as tenant space. The Judiciary witnesses objected to the other one-half of the amount of overbuilding estimated by GAO because it unfairly applied courtroom sharing retrospectively, based upon the FJC study that was not completed until 2006.

The GAO witness testified that its calculation of the savings potential through courtroom sharing on all 33 courthouses was at the direction of the Committee, since the Judiciary had been asked by Congress as early as 1996 to study the matter and adopt appropriate courtroom-sharing policies, but had failed to do so. The GAO witness asserted that had the study been completed and the poli-
cies adopted in a timely fashion, the savings outlined in the GAO report could have been achieved. Furthermore, at the hearing, the Subcommittee learned that the Judiciary has not done any computer modeling of the FJC empirical data to determine the feasibility of courtroom sharing. Although the Judiciary witnesses asserted that it is not possible to model the data to arrive at a courtroom-sharing formula, the GAO witness strongly disagreed and pointed out that much more complex phenomenon (e.g., climate change) is successfully modeled today with modern computer technology.

PROGRESS ON JOBS AND SMALL BUSINESS OPPORTUNITIES AS THE DEPARTMENT OF HOMELAND SECURITY CONSTRUCTION BEGINS IN WARD 8

On June 15, 2010, the Subcommittee held a field hearing in Washington, D.C., to receive testimony on progress with contracting and job opportunities associated with construction of the DHS headquarters at St. Elizabeths, Washington, D.C. The Subcommittee received testimony from the Project Executive, St. Elizabeths, GSA; Executive Director, Ward 8 Business Council; and other stakeholders.

GSA is responsible for redevelopment of the St. Elizabeths West Campus to provide a consolidated headquarters for DHS. The Subcommittee examined GSA's practices and policies regarding jobs and contracting opportunities at St. Elizabeths Campus and assessed GSA's plan to incorporate DHS into the southeast Washington, D.C. neighborhoods of Congress Heights, Barry Farms, and Anacostia.

The GSA St. Elizabeths Project Executive testified about the project schedule and the expectations for hiring for the entirety of the project. The general contractor constructing the U.S. Coast Guard building testified about the small business goals for the project, as well its expectations in being a partner with GSA and the community in the success of the project. Other witnesses testified about business opportunities associated with the consolidation of DHS and the typical workday of a construction worker on the St. Elizabeths West Campus.

BUILDING OUR WAY OUT OF THE RECESSION: GSA'S 2011 CONSTRUCTION, MODERNIZATION AND LEASING PROGRAM

On June 17, 2010, the Subcommittee held a hearing to receive testimony on GSA's Fiscal Year 2011 Construction, Modernization, and Leasing Program. The Subcommittee received testimony from Deputy Commissioner, PBS, GSA.

The President's Fiscal Year 2011 Budget request for PBS is divided into four categories: (1) repair and alteration; (2) design and site acquisition; (3) construction and building acquisition; and (4) leases. The repair and alteration request includes three general authorization requests for special program funding: Fire and Life Safety projects in various buildings ($20 million); Energy and Water Retrofit and Conservation measures in various buildings ($20 million); and Wellness and Fitness program in various buildings ($7 million). The President's Budget requests four Federal
building modernization projects: Corman Federal Building in Van Nuys, California ($11 million); Frank Hagel Federal Building in Richmond, California ($114 million); Emmet Bean Federal Center in Indianapolis, Indiana ($66 million); and Daniel Patrick Moynihan Courthouse, New York, New York ($28 million).

The President’s Budget requests five design projects (including alterations of existing Federal buildings): Federal Building complex at 11000 Wilshire Boulevard in Los Angeles, California ($51 million); Edward Schwartz Federal Building and Courthouse in San Diego, California ($22 million); Prettyman Courthouse in Washington, D.C. ($23 million); Patrick McNamara Federal Building parking garage annex in Detroit, Michigan ($4 million); and site acquisition and design for a Land Port of Entry in Calais, Maine ($2 million).

The President’s Budget requests three construction or acquisition projects: Land Port of Entry in Calexico, California ($274.4 million); St. Elizabeths West Campus, Washington, D.C. ($1,149.4 million); and the purchase of an IRS-occupied building in Martinsburg, West Virginia ($24.8 million). GSA also submitted five leases for committee authorization.

The PBS Deputy Commissioner testified about the need to renovate the Prettyman Courthouse in Washington, D.C., and the Edward Schwartz Federal Building and Courthouse in San Diego, California. The witness also addressed the price disparity between neighboring jurisdictions in the National Capital Region and the application of Anti-Terrorism Force Protection Standards.

FIVE YEARS AFTER KATRINA: WHERE WE ARE AND WHAT WE HAVE LEARNED FOR FUTURE DISASTERS

On September 22, 2010, the Subcommittee held a hearing to receive testimony on the status of recovery efforts from Hurricanes Katrina and Rita. The Subcommittee received testimony from the Inspector General for Emergency Management Oversight, DHS; Chairman, Civilian Board of Appeals; Region VI Administrator, FEMA; Executive Director, Mississippi Emergency Management Agency, State of Mississippi; and Chief of Staff, Governor’s Office of Homeland Security and Emergency Preparedness, State of Louisiana.

The hearing focused on the status of an arbitration program created for Public Assistance projects for Hurricanes Katrina and Rita, as well as other programs created by legislation and administratively to facilitate the Public Assistance Program for Hurricanes Katrina and Rita. The Civilian Board of Contract Appeals and FEMA provided testimony on how they were implementing the arbitration program authorized by section 601 of the Recovery Act. The DHS IG testified on his analysis of the arbitration program as well as the Public Assistance Program in general. The States of Louisiana and Mississippi provided testimony on how they were implementing the arbitration program authorized by the Recovery Act and the status of the recovery from Hurricanes Katrina and Rita.
THE CONGRESSIONAL WORKPLACE: SAFETY CONCERNS AND FUTURE PLANS

On September 30, 2010, the Subcommittee held a hearing to receive testimony on the Architect of the Capitol’s (AOC) Capitol Complex Master Plan and the role of the Office of Compliance (OOC) in maintaining a safe and accessible workplace. The Subcommittee received testimony from the Architect of the Capitol; Executive Director, Office of Compliance; and other stakeholders.

The U.S. 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 childcare centers, housed in historic as well as modern buildings over approximately 450 acres. The replacement value for these facilities is approximately $9 billion.

The AOC is responsible for maintaining the Capitol Complex and providing a safe and healthy workplace. The OOC was created in the Congressional Accountability Act of 1995 (P.L. 104–1). The Congressional Accountability Act (CAA) was passed to ensure that Congress and its auxiliary agencies generally follow the same employment, labor, accessibility, and safety laws that applied to both the private and public sectors. The Congressional Accountability Act covers an estimated 30,000 employees, including employees of the House of Representatives, the Senate, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Congressional Accessibility Services, the United States Capitol Police, the Government Accountability Office, and the Library of Congress.

Section 215(e) of the CAA requires the OOC to inspect the facilities of the agencies under its jurisdiction for compliance with occupational safety and health standards under the Occupational Safety and Health Act, at least once each Congress. On July 13, 2010, the Office of Compliance released its Fiscal Year 2009 Annual Report, “State of the Congressional Workplace”. The annual report documents compliance with occupational safety and health standards for the 110th Congress (2007–08) and provides projections for the number of hazards in the 111th Congress. The report, which covers 96 percent of the 17 million square feet of space occupied by Congress and other legislative branch facilities in the metropolitan Washington, D.C. area, found that there were 9,200 hazards in the Congressional workplace during the 110th Congress, which represented a 30 percent reduction from the 109th Congress, during which 13,140 hazards were identified.

The hearing examined the AOC’s efforts to address workplace hazards in the Capitol Complex, as well as their collaborative effort to make appropriate changes to some of the historic structures to reduce the number of hazards. Witnesses also testified regarding specific grievances with the AOC’s office. The Architect of the Cap-
itol committed to working with the union to address these grievances.

PUBLIC BUILDING PROJECT RESOLUTIONS APPROVED

<table>
<thead>
<tr>
<th>Date Approved</th>
<th>Location</th>
<th>Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>September 24, 2009</td>
<td>Various</td>
<td>Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized to implement energy and water retrofit and conservation measures in Government-owned buildings during fiscal year 2010, at a proposed cost of $20,000,000, a prospectus for which is attached to and included in this resolution. Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy. Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.</td>
</tr>
<tr>
<td>September 24, 2009</td>
<td>Various</td>
<td>Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for implementation of high performance energy projects and conservation measures in Government-owned buildings during fiscal year 2010, at a proposed cost of $20,000,000, a prospectus for which is attached to and included in this resolution. Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy. Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.</td>
</tr>
<tr>
<td>September 24, 2009</td>
<td>Various</td>
<td>Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for alterations to upgrade, replace, and improve life safety features and fire protection systems in Government-owned buildings during fiscal year 2010, at a proposed cost of $20,000,000, a prospectus for which is attached to and included in this resolution. Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy. Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.</td>
</tr>
</tbody>
</table>
Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for repairs and alterations to the New Executive Office Building, located at 725 17th Street, NW, in Washington, D.C., at design and review costs of $394,000 (design costs of $451,000 were previously authorized), management and inspections costs of $6,257,000 (management and inspection costs of $423,000 were previously authorized), and estimated construction costs of $23,625,000 (estimated construction costs of $5,388,000 were previously authorized), at a proposed total cost of $30,276,000, a prospectus for which is attached to and included in this resolution.

This resolution amends the Committee resolution of July 21, 2004.

Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the U.S. House of Representatives and the Committee on Environment and Public Works of the U.S. Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rational for GSA’s decision.

Provided further, that beginning on the date of approval of this resolution, GSA shall, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out alteration, design, or construction projects.

Provided further, that beginning on the date of approval of this resolution, each alteration, design, or construction prospectus submitted by GSA shall include an estimate of the future energy performance of the building and specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.
PUBLIC BUILDING PROJECT RESOLUTIONS APPROVED—Continued

<table>
<thead>
<tr>
<th>Date Approved</th>
<th>Location</th>
<th>Project</th>
</tr>
</thead>
</table>
| September 24, 2009 | Washington, DC | Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for repairs and alterations to the New Executive Office Building, located at 725 17th Street, NW, in Washington, D.C., at design costs of $18,687,000 (design costs of $22,179,000 were previously authorized), at management and inspections costs of $14,504,000 (management and inspection costs of $12,416,000 were previously authorized), and estimated construction costs of $164,159,000 (estimated construction costs of $144,271,000 were previously authorized), at a proposed total cost of $197,350,000, a prospectus for which is attached to and included in this resolution. This resolution amends the Committee resolution of September 24, 2008.

Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the U.S. House of Representatives and the Committee on Environment and Public Works of the U.S. Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rational for GSA’s decision.

Provided further, that beginning on the date of approval of this resolution, each alteration, design, or construction prospectus submitted by GSA shall include an estimate of the future energy performance of the building and specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the U.S. House of Representatives and the Committee on Environment and Public Works of the U.S. Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rational for GSA’s decision.
Provided further, that within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the U.S. House of Representatives and the Committee on Environment and Public Works of the U.S. Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rational for GSA’s decision.

Provided further, that beginning on the date of approval of this resolution, GSA shall, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out alteration, design, or construction projects.

Provided further, that beginning on the date of approval of this resolution, each alteration, design, or construction prospectus submitted by GSA shall include an estimate of the future energy performance of the building and specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

September 24, 2009 ................. Washington, DC .................. Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for acquisition, through a purchase option, of the Columbia Plaza Building located at 2401 E Street, NW, Washington, D.C., at a proposed cost of $100,000,000, a prospectus for which is attached to and included in this resolution.

September 24, 2009 ................. Miami/Miramar, FL ............... Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a new Federal Building in the Miami/Miramar, Florida area for the Federal Bureau of Investigation, currently located in twelve separate locations spread across the Miami, Miramar, and Dade County, Florida area, at site costs of $9,000,000, design and review costs of $11,924,000, management and inspection costs of $8,401,000 and estimated construction costs of $161,350,000, for a combined cost of $190,675,000, a prospectus for which is attached to and included in this resolution.

Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.
<table>
<thead>
<tr>
<th>Date Approved</th>
<th>Location</th>
<th>Project</th>
</tr>
</thead>
</table>
| September 24, 2009 | Madawaska, ME | Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives and the Committee on Environment and Public Works of the U.S. Senate, that pursuant to 40 U.S.C. § 3307, appropriations are authorized for the construction of a new land port of entry at Madawaska, ME to replace the existing Port of Entry, at management and inspection costs of $3,827,000 and estimated construction costs of $46,300,000, for a combined cost of $50,127,000, a prospectus for which is attached to and included in this resolution. Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project. Provided further, that within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the U.S. Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA’s decision. Provided further, that beginning on the date of approval of this resolution, GSA shall, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out alteration, design, or construction projects. Provided further, that beginning on the date of approval of this resolution, each alteration, design, or construction prospectus submitted by GSA shall include an estimate of the future energy performance of the building and specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.
<table>
<thead>
<tr>
<th>Date Approved</th>
<th>Location</th>
<th>Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>September 24, 2009</td>
<td>El Paso County, TX</td>
<td>Provided further, that beginning on the date of approval of this resolution, each alteration, design, or construction prospectus submitted by GSA shall include an estimate of the future energy performance of the building and specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project. Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project. Provided further, that within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the U.S. House of Representatives and the Committee on Environment and Public Works of the U.S. Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA’s decision. Provided further, that beginning on the date of approval of this resolution, GSA shall, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out alteration, design, or construction projects. Provided further, that beginning on the date of approval of this resolution, each alteration, design, or construction prospectus submitted by GSA shall include an estimate of the future energy performance of the building and specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.</td>
</tr>
<tr>
<td>September 24, 2009</td>
<td>San Diego, CA</td>
<td>Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, additional appropriations in the amount of $78,000,000 are authorized for management and inspection and construction of the United States Courthouse Annex, San Diego, California, not to exceed 466,886 gross square feet. This resolution amends the Transportation and Infrastructure Committee resolution dated July 19, 2006;</td>
</tr>
</tbody>
</table>
Provided, that the Administrator of General Services shall ensure that the San Diego, California Courthouse Complex contains no more than 22 courtrooms;

Provided further, that the Administrator of General Services shall not construct more than six courtrooms or 12 chambers in the San Diego, California Courthouse Annex under the authority of this resolution;

Provided further, that the Administrator of General Services shall ensure that a sharing plan approved by the Judicial Conference on September 15, 2009, for courtrooms for magistrate judges is adopted within 30 days of this resolution and is implemented in the design of the San Diego Courthouse Complex;

Provided further, that the Administrator of General Services shall require that any excess space not allocated to courtroom or other court-related use in the San Diego, California Courthouse Annex shall be used to provide office space to Executive Branch agencies that are not ancillary or related to the Federal judiciary;

Provided further, that the Administrator of General Services shall submit a prospectus for any additional expansion space, after completion of construction and occupancy of the San Diego Courthouse Annex, for court or other court-related use requested in the San Diego, California Courthouse Annex;

Provided further, that prior to acceptance of the Guaranteed Maximum Price (GMP), the Administrator of General Services shall advise the Committee on Transportation and Infrastructure of the number of courtrooms, chambers, court space, court related space, and other agency space to be provided in the San Diego, California Courthouse Annex;

Provided further, that no additional funds, beyond the GMP, in effect on the date of this resolution, for the procurement for the construction of the San Diego, California Courthouse Annex, as of the date of adoption of this resolution, shall be authorized or obligated for the project;

Provided further, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project;

Provided further, that, within 180 days of adoption of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the U.S. House of Representatives and the Committee on Environment and Public Works of the U.S. Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for the project and if such systems are not used for the project, the specific rationale for GSA’s decision.
Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for the construction of a new U.S. courthouse, up to 346,691 gross square feet, located in Mobile, AL, at additional site costs of $2,603,000, additional design costs of $6,099,000, management and inspection costs of $7,922,000, and construction costs of $173,506,000 at a proposed total cost of $190,040,000, for which a May 11, 2000 11(b) report and a fact sheet is attached to, and included, in this resolution. This resolution amends the Committee resolution of July 23, 2003.
Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that within 180 days of adoption of the resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA’s decision.

Provided further, that beginning on the date of adoption of the resolution, each alteration, design, or construction prospectus submitted by GSA shall include an estimate of the future energy performance of the building and specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that the Administrator of General Services shall ensure that a sharing plan approved by the Judicial Conference on September 15, 2009, for courtrooms for magistrate judges is adopted and is implemented in the design of the courthouse.

Provided further, that the Administrator of General Services shall ensure that the design provides courtroom space for senior judges for up to 10 years from eligibility for senior status, not to exceed one courtroom for every two senior judges.

Provided further, that, the Administrator of General Services shall ensure that the Mobile, Alabama Courthouse contains no more than seven courtrooms.

Provided further, that the Administrator of General Services submit a flood plain mitigation plan to the Committee on Transportation and Infrastructure of the House of Representatives before a construction award is made.

Provided further, that the Judicial Conference of the United States shall specifically approve each departure from the U.S. Courts Design Guide for each U.S. courthouse construction project to the GSA. Each U.S. courthouse construction prospectus submitted by GSA shall include a specific list of each departure and the justification and estimated costs (including additional rent payment obligations) of such departure and GSA’s recommendation on whether the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate should approve such departure.
Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for the construction of an expansion, up to 262,579 gross square feet, of the U.S. courthouse located in Greenbelt, MD at design costs of $10,000,000, for which a February 12, 1990 11(b) report and factsheet is attached to, and included in, this resolution.

Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that within 180 days of adoption of the resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rational for GSA's decision.

Provided further, that beginning on the date of adoption of the resolution, each alteration, design, or construction prospectus submitted by GSA shall include an estimate of the future energy performance of the building and specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that the Administrator of General Services shall ensure that a sharing plan approved by the Judicial Conference on September 15, 2009, for courtrooms for magistrate judges is adopted and is implemented in the design of the courthouse.

Provided further, that the Administrator of General Services shall ensure that the design provides courtroom space for senior judges for up to 10 years from eligibility for senior status, not to exceed one courtroom for every two senior judges.

Provided further, that the Administrator of General Services shall ensure that the Greenbelt, Maryland Courthouse Annex contains no more than 12 courtrooms.
Date Approved | Location | Project
---|---|---
November 5, 2009. | Savannah, GA | Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for the construction of a new U.S. courthouse, up to 184,955 gross square feet, located in Savannah, GA, at design costs of $7,900,000, for which a March 15, 1994 prospectus and factsheet is attached to, and included in, this resolution. This resolution amends the Committee resolution of July 23, 2003.

Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that within 180 days of adoption of the resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA’s decision.

Provided further, that, beginning on the date of adoption of this resolution, each alteration, design, or construction prospectus submitted by GSA shall include an estimate of the future energy performance of the building and specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that the Administrator of General Services shall ensure that a sharing plan approved by the Judicial Conference on September 15, 2009, for courtrooms for magistrate judges is adopted and is implemented in the design of the courthouse.

Provided further, that the Administrator of General Services shall ensure that the design provides courtroom space for senior judges for up to 10 years from eligibility for senior status, not to exceed one courtroom for every two senior judges.
Provided further, that the Administrator of General Services shall ensure that the Savannah Courthouse Annex contains no more than four courtrooms;

Provided further, that the Administrator of General Services shall prepare a feasibility report on the need for the courthouse and re-evaluate the design. The report shall be submitted to the Committee on Transportation and Infrastructure of the House of Representatives before proceeding with construction of the Savannah, Georgia Courthouse.

Provided further, that the Judicial Conference of the United States shall specifically approve each departure from the U.S. Courts Design Guide for each U.S. courthouse construction project that results in additional estimated costs of the project (including additional rent payment obligations) and that the Judicial Conference provide a specific list of each departure and the justification and estimated costs (as supplied by the GSA) of such departure for each U.S. courthouse construction project to the GSA. Each U.S. courthouse construction prospectus submitted by GSA shall include a specific list of each departure and the justification and estimated cost (including additional rent payment obligations) of such departure and GSA’s recommendation on whether the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate should approve such departure.

November 5, 2009 .................... San Antonio, TX ........................ Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for the construction of a new U.S. courthouse, up to 334,335 gross square feet, located in San Antonio, TX, at additional design costs of $4,000,000, for which prospectus PTX-CTSD-SA04 and a factsheet is attached to, and included in, this resolution.

Provided, that, to the maximum extent practicable and considering lifecycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that within 180 days of adoption of the resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA’s decision.

Provided further, that beginning on the date of adoption of the resolution, each alteration, design, or construction prospectus submitted by GSA shall include an estimate of the future energy performance of the building and specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.
Provided further, that the Administrator of General Services shall ensure that a sharing plan approved by the Judicial Conference on September 15, 2009, for courtrooms for magistrate judges is adopted within 30 days of this resolution and is implemented in the design of the courthouse.

Provided further, that the Administrator of General Services shall ensure that the design provides courtroom space for senior judges for up to 10 years from eligibility for senior status, not to exceed one courtroom for every two senior judges.

Provided, that the Administrator of General Services shall ensure that the San Antonio, Texas Courthouse contains no more than seven courtrooms;

Provided further, that the Judicial Conference of the United States shall specifically approve each departure from the U.S. Courts Design Guide for each U.S. courthouse construction project that results in additional estimated costs of the project (including additional rent payment obligations) and that the Judicial Conference provide a specific list of each departure and the justification and estimated costs (as supplied by the GSA) of such departure for each U.S. courthouse construction project to the GSA. Each U.S. courthouse construction prospectus submitted by GSA shall include a specific list of each departure and the justification and estimated cost (including additional rent payment obligations) of such departure and GSA’s recommendation on whether the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate should approve such departure.

November 5, 2009 Washington, DC

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a lease extension of up to 71,914 rentable square feet for the Federal Emergency Management Agency, currently located 395 E Street, SW, Washington, D.C., at a proposed total annual cost of $3,523,786 for a lease term of up to five years, a prospectus for which is attached to, and included in, this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services (Administrator) shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.
<table>
<thead>
<tr>
<th>Date Approved</th>
<th>Location</th>
<th>Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>November 5, 2009</td>
<td>Washington, DC</td>
<td>Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a replacement lease of up to 183,157 rentable square feet for the National Transportation Safety Board (NTSB), currently located 490 and 429 L’Enfant Plaza East, SW, Washington, D.C., at a proposed total annual cost of $8,974,693 for a lease term of up to 15 years, a prospectus for which is attached to, and included in, this resolution. Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease. Provided, that, to the maximum extent practicable, the Administrator of General Services (Administrator) shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy. Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in the resolution. Provided further, within six months of the date of adoption of the resolution and prior to exercising the authority granted in the resolution, the Administrator shall provide to the Committee on Transportation and Infrastructure of the House of Representatives a draft housing plan, including Federal Government ownership options, for the NTSB in the National Capital Region. Provided further, within two years of the date of the resolution, the Administrator shall provide to the Committee on Transportation and Infrastructure of the House of Representatives a final housing plan, approved by the Office of Management and Budget, that provides Federal Government ownership for the NTSB in the National Capital Region. Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.</td>
</tr>
<tr>
<td>November 5, 2009</td>
<td>Portland, OR</td>
<td>Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a replacement lease of up to 126,500 rentable square feet for the U.S. Army Corps of Engineers, Portland District Office, currently located at Robert Duncan Plaza, 333 SW First Avenue, Portland, OR, at a proposed total annual cost of $5,060,000 for a lease term of up to 15 years, a prospectus for which is attached to, and included in, this resolution.</td>
</tr>
</tbody>
</table>
Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services (Administrator) shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

November 5, 2009 .................... Philadelphia, PA ....................... Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a superseding lease and space alteration of up to 345,000 rentable square feet for the National Archives and Records Administration, currently located at 14700 Townsend Road, Philadelphia, PA, at a proposed total annual cost of $3,795,000 for a lease term of up to 20 years, a prospectus for which is attached to, and included in, this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services (Administrator) shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.
Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a replacement lease of up to 100,500 rentable square feet for the Internal Revenue Service, currently located at 1750 Pennsylvania Avenue, NW, Washington, D.C., at a proposed total annual cost of $4,924,500 for a lease term of up to 10 years, a prospectus for which is attached to, and included in, this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services (Administrator) shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a replacement lease of up to 254,267 rentable square feet for the Small Business Administration (SBA), currently located at 409 Third Street, SW, Washington, D.C., at a proposed total annual cost of $12,459,083 for a lease term of up to 10 years, a prospectus for which is attached to, and included in, this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services (Administrator) shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.
<table>
<thead>
<tr>
<th>Date Approved</th>
<th>Location</th>
<th>Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>November 5, 2009</td>
<td>Suburban MD</td>
<td>Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a succeeding lease of up to 159,731 rentable square feet for the National Institute of Allergy and Infectious Disease, currently located 6700 Rockledge Drive, Bethesda, MD, at a proposed total annual cost of $5,430,854 for a lease term of up to five years, a prospectus for which is attached to, and included in, this resolution. Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease. Provided, that, to the maximum extent practicable, the Administrator of General Services (Administrator) shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy. Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution. Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.</td>
</tr>
</tbody>
</table>

| November 5, 2009 | Arlington, VA | Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a succeeding lease of up to 102,238 rentable square feet for the Federal Emergency Management Agency, currently located at 1000 South Bell Street, Arlington, VA, at a proposed total annual cost of $3,885,044 for a lease term of up to 10 years, a prospectus for which is attached to, and included in, this resolution. |
November 5, 2009 ........................ Northern VA ................................

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a succeeding lease of up to 312,976 rentable square feet for the Department of Defense, currently located at the Hoffman I building, 2461 Eisenhower Avenue, Alexandria, VA, at a proposed total annual cost of $10,641,184 for a lease term of up to five years, a prospectus for which is attached to, and included in, this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services (Administrator) shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.
Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a succeeding lease of up to 204,783 rentable square feet for the Department of Defense, currently located at the Hoffman II building, 200 Stovall Street, Alexandria, VA, at a proposed total annual cost of $6,962,622 for a lease term of up to five years, a prospectus for which is attached to, and included in, this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services (Administrator) shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a replacement/expansion lease of up to 530,039 rentable square feet for the Federal Aviation Administration, currently located at the 2601 Meacham Blvd., Fort Worth, TX, at a proposed total annual cost of $18,551,365 for a lease term of up to 20 years, a prospectus for which is attached to, and included in, this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services (Administrator) shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.
Provided further, that any lease agreement entered into pursuant to this resolution shall include an option to purchase and obtain fee title to the facility leased to the Federal Government. The lease agreement shall provide for the exercise of the purchase option on such dates prior to the expiration of the leasehold interest and under such terms and conditions deemed by the Administrator to be in the best interest of the Federal Government.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

November 5, 2009 ........................ Renton Area, WA ........................

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a new lease of up to 518,865 rentable square feet for the Federal Aviation Administration, currently located in multiple locations in the Renton, WA area, at a proposed total annual cost of $24,386,655 for a lease term of up to 20 years, a prospectus for which is attached to, and included in, this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services (Administrator) shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that any lease agreement entered into pursuant to this resolution shall include an option to purchase and obtain fee title to the facility leased to the Federal Government. The lease agreement shall provide for the exercise of the purchase option on such dates prior to the expiration of the leasehold interest and under such terms and conditions deemed by the Administrator to be in the best interest of the Federal Government.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.
<table>
<thead>
<tr>
<th>Date Approved</th>
<th>Location</th>
<th>Project Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>November 5, 2009</td>
<td>Washington, DC</td>
<td>Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a replacement lease of up to 136,787 rentable square feet for the U.S. Department of Agriculture (USDA), currently located at 800 9th Street, SW, Washington, D.C., at a proposed total annual cost of $6,702,563 for a lease term of up to 10 years, a prospectus for which is attached to, and included in, this resolution. Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease. Provided, that, to the maximum extent practicable, the Administrator of General Services (Administrator) shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy. Provided further, prior to exercising the authority granted in the resolution, the Administrator shall provide to the Committee on Transportation and Infrastructure of the House of Representatives a draft housing plan, including Federal Government ownership options, for the USDA in the National Capital Region. Provided further, within 60 days of the date of the resolution, the Administrator shall provide to the Committee on Transportation and Infrastructure of the House of Representatives a final housing plan, approved by the Office of Management and Budget, that provides Federal Government ownership for the USDA in the National Capital Region. Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution. Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.</td>
</tr>
<tr>
<td>November 5, 2009</td>
<td>Seattle, WA</td>
<td>Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a consolidation lease of up to 85,608 rentable square feet for the Department of Labor, currently located at 1111 Third Avenue, and 719 Second Avenue, Seattle, WA, at a proposed total annual cost of $4,109,184 for a lease term of up to 15 years, a prospectus for which is attached to, and included in, this resolution. Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.</td>
</tr>
</tbody>
</table>
Provided, that, to the maximum extent practicable, the Administrator of General Services (Administrator) shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

November 5, 2009 .................... Des Plaines, IL ......................... Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for an extension/expansion lease of up to 210,000 rentable square feet for the Great Lakes Regional Office of the Federal Aviation Administration currently located at 2300 Devon Avenue in Des Plaines, IL, at a proposed total annual cost of $4,979,100 for a lease term of up to 10 years, a prospectus for which is attached to, and included in, this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services (Administrator) shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.
Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a replacement lease of up to 605,000 rentable square feet for the National Aeronautics and Space Administration (NASA), currently located in the 2 Independence Square Building at 300 E Street, SW, in Washington, D.C., at a proposed total annual cost of $29,645,000 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that within two years of the adoption of this resolution, the Administrator shall provide the Committee on Transportation and Infrastructure of the House of Representatives, with a final housing plan approved by the Office of Management and Budget that provides for Federal Government ownership of the NASA headquarters functions in the National Capital Region.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a new lease of up to 70,000 rentable square feet for the Department of Treasury, currently located in the Treasury Annex, 501 Madison Place, NW, in Washington, D.C., at a proposed total annual cost of $3,430,000 for a lease term of up to 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.
Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

July 1, 2010 .............................. Suburban Maryland ........................
Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a replacement lease of up to 986,000 rentable square feet for the National Oceanic and Atmospheric Administration (NOAA), currently located in Silver Spring Metro Center at 1315 East West Hwy, 1325 East West Hwy, and 1305 East West Hwy, Silver Spring, MD, at a proposed total annual cost of $33,524,000 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

July 1, 2010 .............................. Suburban Maryland ........................
Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a replacement lease of up to 986,000 rentable square feet for the National Oceanic and Atmospheric Administration (NOAA), currently located in Silver Spring Metro Center at 1315 East West Hwy, 1325 East West Hwy, and 1305 East West Hwy, Silver Spring, MD, at a proposed total annual cost of $33,524,000 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.
Approval of this prospectus constitutes authority to execute interim leases for all tenants, if necessary, prior to the execution of the new lease.

Provided, that the General Services Administration shall extend current leases as necessary to ensure full competition, including proposals for new lease-construction, for the replacement lease.

Provided further, that, in the event that “best value” procedures are employed in the replacement lease procurement, and the source selection plan is structured such that technical factors in aggregate are more important than price, that the Administrator provide a detailed justification for this procurement structure to the Committee on Transportation and Infrastructure of the House of Representatives, prior to the inception of the procurement.

Provided further, that to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that within two years of the adoption of this resolution, the Administrator shall provide the Committee on Transportation and Infrastructure of the House of Representatives, with a final housing plan approved by the Office of Management and Budget that provides for Federal Government ownership of the NOAA headquarters functions in the National Capital Region.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a new lease of up to 751,000 rentable square feet for the Department of Defense Medical Command Headquarters, currently located at multiple leased and government owned locations throughout the Washington Metropolitan region, at a proposed total annual cost of $30,040,000 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute interim leases for all tenants, if necessary, prior to the execution of the new lease.
Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator is authorized to apply only the security standards promulgated by the Interagency Security Committee (ISC) to this lease procurement, given that the space will not be housed on a military installation, unless the Administrator determines that to comply only with the ISC criteria would jeopardize compliance with the Base Realignment and Closure requirement that the medical command headquarters be relocated by September 15, 2011.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

July 1, 2010 ..................... Northern Virginia ..............
Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for short-term lease extensions of up to 402,822 rentable square feet for the Department of Defense currently located at the Skyline Place, 5275 Leesburg Pike, Falls Church, VA, at a proposed total annual cost of $15,307,236 for a lease term of up to two years, a prospectus for which is attached to and included in this resolution.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

July 1, 2010 ..................... Northern Virginia ..............
Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a replacement lease of up to 118,000 rentable square feet for the Department of State currently located in the Architects Building at 1400 Wilson Boulevard in Arlington, VA, at a proposed total annual cost of $4,484,000 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.
PUBLIC BUILDING PROJECT RESOLUTIONS APPROVED—Continued

<table>
<thead>
<tr>
<th>Date Approved</th>
<th>Location</th>
<th>Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 1, 2010</td>
<td>Northern Virginia</td>
<td></td>
</tr>
</tbody>
</table>

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a replacement/expansion lease of up to 243,000 rentable square feet for the Department of State Office of the Coordinator for Reconstruction and Stabilization Division and Bureau of Diplomatic Security currently located in the Pomponio Plaza East building at 1800 North Kent Street, Arlington, VA, at a proposed total annual cost of $9,234,000 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.
Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a new lease of up to 165,000 rentable square feet for the Department of Housing and Urban Development currently located at Five Points Plaza, 40 Marietta Street, and the Richard B. Russell Federal Building, 75 Spring Street, in Atlanta, GA, at a proposed total annual cost of $5,445,000 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a replacement lease of up to 120,000 rentable square feet for the Internal Revenue Service, currently located at 10 MetroTech Center, Brooklyn, NY, at a proposed total annual cost of $6,600,000 for a lease term of up to 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.
PUBLIC BUILDING PROJECT RESOLUTIONS APPROVED—Continued

<table>
<thead>
<tr>
<th>Date Approved</th>
<th>Location</th>
<th>Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 1, 2010</td>
<td>Guayabo, PR</td>
<td>Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution. Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.</td>
</tr>
<tr>
<td>July 1, 2010</td>
<td>National Capital Region</td>
<td>Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for new leases of up to a total of 1,136,000 rentable square feet for the Department of Homeland Security “Mission Support” elements, currently located in Washington, D.C., at a proposed total annual cost of $55,664,000; in Crystal City/Pentagon City, VA, at a proposed total annual cost of $43,168,000; or in Southern Prince Georges County, MD, at a proposed total annual cost of $38,624,000; for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution. Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for replacement leases of up to a total of 225,000 rentable square feet, for elements of the Customs and Border Protection of the Department of Homeland Security as identified in the prospectus request, currently located in Washington, D.C., until these elements can relocate to the Ronald Reagan Office Building, at a proposed total annual cost of $11,025,000 for a lease term of up to ten years, a prospectus for which is attached to and included in this resolution.</td>
</tr>
</tbody>
</table>

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.
Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized to extend current leases of up to a total of 364,000 rentable square feet for the United States Coast Guard of the Department of Homeland Security, currently located at 1900 Half Street, SW, Washington, D.C., for lease durations as necessary until the U.S. Coast Guard relocates to the St. Elizabeths Campus, at a proposed total annual cost of $14,560,000, for a lease term of up to five years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute interim leases for all tenants, if necessary, prior to the execution of the new lease.

Provided, that the Administrator of General Services shall conduct the lease procurement for the Mission Support elements to enable full and fair consideration of lease construction proposals and proposals to lease existing buildings, and structure the lease procurement in terms of milestones and deliverable due dates, including site plan approval, design, construction permitting, and construction delivery, in a manner consistent with General Services Administration conventions employed in lease-construct procurements.

Provided further, that, to the maximum extent practicable, the Administrator of General Services shall include in the lease contract(s) a purchase option than can be exercised at the conclusion of the firm term of the lease.

Provided further, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

July 1, 2010 .............................. Washington, DC ........................ Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a replacement lease of up to 252,000 rentable square feet for the Department of Education, currently located in the Union Center Plaza building at 830 First Street, NE, in Washington, D.C., at a proposed total annual cost of $12,348,000 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.
Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

July 1, 2010 .............................. Washington, DC ........................ Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for replacement leases of up to a total of 468,000 rentable square feet for the Department of Justice (DOJ) Criminal Division and several other smaller components of DOJ Offices, Boards, and Divisions, currently located in three locations in Washington, D.C., at a proposed total annual cost of $22,932,000 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, in the event that “best value” procedures are employed in the replacement lease procurement, and the source selection plan is structured such that technical factors in aggregate are more important than price, that the Administrator provide a detailed justification for this procurement structure to the Committee on Transportation and Infrastructure of the House of Representatives, prior to the inception of the procurement.

Provided further, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.
Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

July 1, 2010 .............................. Portland, OR ............................. Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a replacement lease of up to 156,000 rentable square feet for the U.S. Department of Agriculture, the U.S. Department of the Interior, and National Business Center currently located in the Robert Duncan Plaza, 333 SW First Avenue, Portland, OR, at a proposed total annual cost of $6,240,000 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

December 2, 2010 ..................... Various buildings ..................... Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for alterations to upgrade, replace, and improve life safety features and fire protection systems in Government-owned buildings during fiscal year 2011, at a proposed cost of $20,000,000, a prospectus for which is attached to and included in this resolution.

Provided, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.
Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized to implement energy and water retrofit and conservation measures in Government-owned buildings during fiscal year 2011, at a proposed cost of $20,000,000, a prospectus for which is attached to and included in this resolution.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that procurements executed pursuant to this authority include minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized to upgrade, replace, and improve space within Government-owned buildings in support of employee wellness during fiscal year 2011, at a proposed cost of $7,000,000, a prospectus for which is attached to and included in this resolution.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that procurements executed pursuant to this authority include minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for the build-out of space for the Department of State’s Consular Affairs Office and Internal Revenue Service, and roof replacement at the James C. Corman Federal Building at 6230 Van Nuys Boulevard, Van Nuys, CA, at a proposed total cost of $11,039,000, a prospectus for which is attached to and included in this resolution.

Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for the project and if such systems are not used for the project, the specific rationale for GSA’s decision.
<table>
<thead>
<tr>
<th>Date Approved</th>
<th>Location</th>
<th>Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>December 2, 2010</td>
<td>Richmond, CA</td>
<td>Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a multi-phase repair and alteration project for the Frank Hagel Federal Building at 1221 Nevin Avenue, Richmond, CA, at a proposed total cost of $221,670,000, a prospectus for which is attached to and included in this resolution. Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project. Provided further, that within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA’s decision.</td>
</tr>
<tr>
<td>December 2, 2010</td>
<td>Indianapolis, IN</td>
<td>Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for an alteration of the Major General Emmett J. Bean Federal Center at 8899 East 56th Street, Indianapolis, IN, at a proposed total cost of $46,426,000, a prospectus for which is attached to and included in this resolution. Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project. Provided further, that the Administrator of General Services is authorized to undertake design and construction of only those security features which will bring the Major General Emmett J. Bean Federal Center and grounds into compliance with the security standards promulgated by the Interagency Security Committee. Provided further, that within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA’s decision.</td>
</tr>
<tr>
<td>December 2, 2010</td>
<td>New York, NY</td>
<td>Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for alterations to the Daniel Patrick Moynihan U.S. Courthouse at 500 Pearl Street, New York, NY, at a proposed total cost of $28,000,000, a prospectus for which is attached to and included in this resolution.</td>
</tr>
</tbody>
</table>
Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA’s decision.

December 2, 2010 ........................ Calexico, CA .............................. Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for the reconfiguration and expansion of the existing land port of entry in downtown Calexico, CA, at management and inspection costs of $28,119,000 and estimated construction costs of $246,344,000, for a combined cost of $274,463,000, a prospectus for which is attached to and included in this resolution.

Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that no new pedestrian tunnels shall be constructed between the East Campus and West Campus of St. Elizabeths.

December 2, 2010 ........................ Washington, DC ........................ Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, additional appropriations are authorized for the consolidation of the Department of Homeland Security headquarters at St. Elizabeths West Campus, Washington, DC, for an additional combined estimated project cost of $1,149,406,000, a prospectus for which is attached to and included in this resolution.

Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that no new pedestrian tunnels shall be constructed between the East Campus and West Campus of St. Elizabeths.
<table>
<thead>
<tr>
<th>Date Approved</th>
<th>Location</th>
<th>Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>December 2, 2010</td>
<td>Calais, ME</td>
<td>Provided further, that within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA’s decision.</td>
</tr>
<tr>
<td>December 2, 2010</td>
<td>Detroit, MI</td>
<td>Provided further, that within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA’s decision.</td>
</tr>
<tr>
<td>Date Approved</td>
<td>Location</td>
<td>Project</td>
</tr>
<tr>
<td>--------------</td>
<td>---------------------</td>
<td>-------------------------------------------------------------------------</td>
</tr>
<tr>
<td>December 2, 2010</td>
<td>Martinsburg, WV</td>
<td>Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for acquisition, through an existing purchase option, of the building located at 145 Murall Drive, Martinsburg, WV, at a proposed total cost of $24,767,000, a prospectus for which is attached to and included in this resolution.</td>
</tr>
<tr>
<td>December 2, 2010</td>
<td>Salt Lake City, UT</td>
<td>Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for the management and inspection costs and construction costs of the U.S. courthouse, Salt Lake City, UT, not to exceed 409,397 gross square feet (including inside parking), at a combined cost of $185,700,000, a fact sheet for which is attached to and included in this resolution.</td>
</tr>
</tbody>
</table>

Provided further, that within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA’s decision.

Provided, that the Administrator of General Services shall ensure that the Salt Lake City, Utah courthouse contains no more than 10 courtrooms.

Provided further, that the Administrator of General Services shall ensure that the courtroom sharing policies approved by the Judicial Conference in September 2008 for senior District Judges and in March 2009 for Magistrate Judges are utilized in the design and construction of the Salt Lake City, Utah courthouse;

Provided further, that the Administrator of General Services shall require that any excess space not allocated to courtroom or other court-related use in the Salt Lake City, Utah courthouse shall be used to provide office space to Executive Branch agencies that are not ancillary or related to the Federal judiciary;

Provided further, that the Administrator of General Services shall submit a prospectus for any additional expansion space, after completion of construction and occupancy of the Salt Lake City, Utah courthouse, for court or other court-related use requested in such courthouse;

Provided further, that prior to acceptance of the Guaranteed Maximum Price (GMP), the Administrator of General Services shall advise the Committee on Transportation and Infrastructure of the House of Representatives of the number of courtrooms, chambers, court space, and other agency space to be provided in the entire Salt Lake City, Utah courthouse complex (including the Moss Courthouse);
Provided further, that no additional funds, beyond the GMP, in effect on the date of this resolution, for the construction of the Salt Lake City, Utah courthouse, as of the adoption of this resolution, shall be authorized or obligated for this project.

Provided further, that prior to the design of the Moss Courthouse renovation, the Administrator of General Services shall provide the Committee on Transportation and Infrastructure of the House of Representatives a report on the optimal housing plan for the courts, including recommendations about the preferred asset management strategy, with accompanying economic analyses of alternatives for the Moss Courthouse as: a Federal building and courthouse; a Federal building without a court presence; or a plan to reposition the Moss Courthouse out of Federal ownership;

Provided further, that to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project;

Provided further, that within 180 days of adoption of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for the project, and if such systems are not used for the project, the specific rationale for GSA’s decision.

Provided further, that beginning on July 19, 2006, the Judicial Conference of the United States shall specifically approve each departure from the U.S. Courts Design Guide for each U.S. courthouse construction project which results in additional estimated costs of the project (including additional rent payment obligations) and that the Judicial Conference provide a specific list of each departure and the justification and estimated cost (including additional rent payment obligations) of such departure and GSA’s recommendation on whether the Committee on Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate should approve such departure.
December 2, 2010 .................... Northern VA .............................. Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a new lease of up to 103,684 rentable square feet for the General Services Administration Federal Acquisition Service currently located at several locations in Northern Virginia at a proposed total annual cost of $3,939,992 for a lease term of up to 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

December 2, 2010 .................... Berkley and Jefferson Counties, WV. Pursuant to 40 U.S.C. § 3307, appropriations are authorized for a new lease of up to 161,000 rentable square feet for partial consolidation/expansion requirements of the United States Coast Guard Operations System Center, currently located in multiple leased locations at a proposed total annual cost of $4,186,000 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute interim leases for all tenants, if necessary, prior to the execution of the new lease.

Provided further, that within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA’s decision.
Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

December 2, 2010  Northern VA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a replacement lease of up to 329,000 rentable square feet for the Department of Defense, Office of Naval Research, currently located at 875 North Randolph Street, Arlington, VA, at a proposed total annual cost of $12,502,000 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator is authorized to apply only the security standards promulgated by the Interagency Security Committee (ISC) to this lease procurement.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.
<table>
<thead>
<tr>
<th>Date Approved</th>
<th>Location</th>
<th>Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>June 4, 2009</td>
<td>Panama City and Bay County, FL</td>
<td>Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3315(b), the Administrator of General Services shall investigate the feasibility and need to construct or acquire a replacement facility to house the United States District Court for the Northern District of Florida and other Federal agencies, located in Panama City and Bay County, Florida. The analysis shall include a full and complete evaluation including, but not limited to: (i) the identification and cost of potential sites; and (ii) 30-year present value evaluations of all options, including Federal construction, purchase (including lease with an option to purchase or purchase contract), and lease. The Administrator shall submit a report to Congress within 60 days of the adoption of this resolution.</td>
</tr>
<tr>
<td>June 4, 2009</td>
<td>Clarksburg, WV</td>
<td>Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3315(b), the Administrator of General Services shall investigate the feasibility and need to construct or acquire a replacement facility to house the United States District Court for the Northern District of West Virginia and other federal agencies, located in Clarksburg, West Virginia. The analysis shall include a full and complete evaluation including, but not limited to: (i) the identification and cost of potential sites; and (ii) 30-year present value evaluations of all options, including Federal construction, purchase (including lease with an option to purchase or purchase contract), and lease. The Administrator shall submit a report to Congress within 60 days of the adoption of this resolution.</td>
</tr>
<tr>
<td>July 1, 2010</td>
<td>McAllen, TX</td>
<td>Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to Title 40 U.S.C. § 3315(b), the Administrator of General Services shall investigate the feasibility and need to construct or acquire a replacement facility to house the Federal agencies and the United States District Court for the Southern District of Texas, located in McAllen, Texas. The analysis shall include a full and complete evaluation including: (1) the identification and cost of potential sites; (2) the 30-year present value evaluations of all options, including Federal construction, purchase (including lease with an option to purchase or purchase contract), and lease; and (3) an assessment of the space requirements that provides courtroom sharing in accordance with the following requirements: one courtroom for every two magistrate judges; and one courtroom for every two senior district judges, with active district judges being counted as senior district judges if such judges become eligible for senior status within the ten year planning period, and no senior judge being counted beyond age 85. The Administrator shall submit a report to the Committee on Transportation and Infrastructure of the U.S. House of Representatives within 60 days of the adoption of this resolution.</td>
</tr>
</tbody>
</table>
SUMMARY OF ACTIVITIES FOR
THE SUBCOMMITTEE ON HIGHWAYS AND TRANSIT

During the 111th Congress, the Subcommittee on Highways and Transit, chaired by Representative Peter A. DeFazio, with Representative John J. Duncan, Jr. serving as Ranking Member, held 13 hearings (94 witnesses and approximately 47 hours) and one Members’ roundtable, covering the breadth of issues within the jurisdiction of the Subcommittee.

The Committee on Transportation and Infrastructure developed major legislation, H.R. 3589, the “Surface Transportation Authorization Act of 2009”, to reauthorize Federal surface transportation programs and provide $450 billion over six years for surface transportation programs and $50 billion for development of high-speed rail. On June 24, 2009, the Subcommittee reported the bill favorably to the Committee by voice vote. No further action was taken on this legislation.

The following bills and resolutions were enacted in the 111th Congress:
• Public Law 111–147, the Hiring Incentives to Restore Employment Act,
• Public Law 111–144, the Temporary Extension Act of 2010,
• Public Law 111–157, the Continuing Extension Act of 2010,
• Public Law 111–322, the Continuing Appropriations and Surface Transportation Extensions Act, 2011
• Public Law 111–______, the Pedestrian Safety Enhancement Act of 2010,
• H. Res. 269, supporting the goals of Motorcycle Safety Awareness Month,
• H. Res. 841, expressing support for designation of November 29, 2009, as “Drive Safer Sunday”,
• H. Res. 907 recognizing the Grand Concourse on its 100th anniversary as the preeminent thoroughfare in the Borough of the Bronx and an important nexus of commerce and culture for the City of New York,
• H. Res. 917, recognizing the Florida Keys Scenic Highway on the occasion of its designation as an All-American Road by the U.S. Department of Transportation, and
• H. Res. 1186, expressing support for designation of April as National Distracted Driving Awareness Month.

Other bills that passed the House include:
• H.R. 5730, the “Surface Transportation Earmark Rescission, Savings, and Accountability Act”,

(237)
• H.R. 5604, the “Surface Transportation Savings Act of 2010”,
• H.R. 3617, the “Surface Transportation Extension Act of 2009”,
• H.R. 3427, the “State Ethics Law Protection Act of 2010”,
• H.R. 3960, the “Residential and Commuter Toll Fairness Act of 2010”, and
• H.R. 3804, the National Park Service Authorities and Corrections Act of 2009

Public Laws and Resolutions

HIRING INCENTIVES TO RESTORE EMPLOYMENT ACT

Public Law 111–147

(Title IV)

(H.R. 2847)

March 18, 2010

The HIRE Act extends Federal highway, highway safety, public transportation, motor carrier safety, surface transportation research programs and policies authorized by SAFETEA–LU through December 31, 2010. Authorizations for these programs were set to expire on March 28, 2010.

TEMPORARY EXTENSION ACT OF 2010

Public Law 111–144

(H.R. 4691)

March 2, 2010

The Temporary Extension Act of 2010 extended a number of Federal programs, including the Federal highway, highway safety, public transportation, motor carrier safety, surface transportation research programs, and policies authorized by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU). These programs and policies, which had been scheduled to expire on September 29, 2009, were extended through February 28, 2010 by three Continuing Resolutions. The Temporary Extension Act of 2010 extends these programs and policies from the date of enactment through March 28, 2010. Funding for these programs and policies has subsequently been provided through passage of P.L. 111–147, the Hiring Incentives to Restore Employment (HIRE) Act, on March 18, 2010. Currently, these funds will continue through December 31, 2010.
CONTINUING EXTENSION ACT OF 2010

Public Law 111–157

(section 8)

(H.R. 4851)

(See also H.R. 4786)

April 15, 2010

This law includes a provision to compensate Federal employees furloughed as a result of the lapse in expenditure authority from the Highway Trust Fund beginning on February 28, 2010 at midnight and lasting through March 2, 2010. Furloughs affected nearly 2,000 employees at the Federal Highway Administration, the Federal Motor Carrier Safety Administration, the National Highway Traffic Safety Administration and the Research and Innovative Technology Administration that are funded by the Highway Trust Fund.

This law also ratified and approved all actions taken by Federal employees, contractors, and grantees during that period of lapse to: (1) maintain the essential level of government operations, services, and activities to protect life and property; and (2) bring about orderly termination of government functions.

SURFACE TRANSPORTATION EXTENSION ACT OF 2010, PART II

Public Law 111–322

(Title II)

(H.R. 3082)

December 22, 2010

The Surface Transportation Extension Act of 2010, Part II, (STEA of 2010 Part II) extends—through March 4, 2011—the authority for surface transportation programs originally authorized under SAFETEA–LU through September 30, 2009, and subsequently extended through December 31, 2010. Specifically, STEA of 2010 Part II extends all the provisions of SAFETEA–LU (or its extensions) that otherwise would have expired on or ceased to apply after December 31, 2010.

STEA of 2010 Part II continues, through March 4, 2011, to provide funding at fiscal year 2009 levels (as authorized in SAFETEA–LU). This provides, for the period beginning on January 1, 2011, and ending on March 4, 2011, a total of $9.564 billion for highway, highway safety, motor carrier safety, and transit programs, including the following amounts: $7.500 billion for highway programs, $1.839 billion for transit programs, $129 million for highway safety programs, and $96 million for motor carrier safety programs. This funding will allow States and local governments to carry out important capital and operational programs, projects and activities, pending enactment of a multiyear law reauthorizing the Federal surface transportation programs.
As in prior SAFETEA–LU extensions, STEA of 2010 Part II distributes “bonus” formula funds in lieu of additional highway or transit program earmarks. The law provides each State with a pro-rated amount of bonus funding that is equal to the amount that the State received in fiscal year 2009 to carry out the High Priority Projects program, Transportation Improvements, the Maglev program, Highway Bridge Program set-asides, Projects of National and Regional Significance, and the National Corridor Infrastructure Improvement program. Prior extensions distributed each State’s share of these bonus funds among six of the 13 State highway formula programs. STEA of 2010 Part II instead distributes these funds among all 13 programs. The law requires the Federal Highway Administration to administer all bonus funds in the same manner and with the same period of availability as other funding that the States receive under each of these formula programs.

In addition to these provisions, STEA of 2010 Part II extends through August 2012 the SAFETEA–LU-authorized Surface Transportation Project Delivery Pilot Program. This program, which was otherwise scheduled to expire in August 2011, allows five designated States to assume many of the Secretary of Transportation’s responsibilities under the National Environmental Policy Act. Finally, STEA of 2010 Part II grants the Secretary of Transportation authority to implement the results of the future strategic highway research program.

PEDESTRIAN SAFETY ENHANCEMENT ACT OF 2010

Public Law 111–______

(S. 841)

January 2011

This law directs the Secretary of Transportation to study and establish a motor vehicle safety standard that provides a means of alerting blind and other pedestrians of the presence of a motor vehicle operation for otherwise silent vehicles, such as hybrids. The law directs $2 million of the amounts appropriated to the Department under safety belt performance grants to develop and implement the new standards.

SUPPORTING THE GOALS OF MOTORCYCLE SAFETY AWARENESS MONTH

(H. Res. 269)

May 5, 2009

H. Res. 269 expresses 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.

**Expressing Support for Designation of November 29, 2009 as “Drive Safer Sunday”**

(H. Res. 841)

November 17, 2009

H. Res. 841 expresses support for the designation of November 29, 2009 as “Drive Safer Sunday.” This resolution highlights the dangers posed by unsafe driving, including distracted driving, and encourages administrators and teachers at high schools and colleges to launch campus-wide educational campaigns to urge students to be careful about safety when driving. It also encourages national trucking firms to alert their drivers to be especially focused on driving safely during the heaviest traffic day of the year, and to publicize the importance of the day using Citizen’s Band radios and in truck stops across the nation. Finally, this resolution urges all Americans to use this as an opportunity to educate themselves about highway safety and the dangers of distracted driving.

**Recognizing the Grand Concourse on Its 100th Anniversary as the Preeminent Thoroughfare in the Borough of the Bronx and an Important Nexus of Commerce and Culture for the City of New York**

(H. Res. 907)

December 8, 2009

H. Res. 907 recognizes the Grand Concourse on its 100th anniversary as the preeminent thoroughfare in the borough of the Bronx, and its roles as an important nexus of commerce and culture for the City of New York. Designed by Louis Aloys Risse and opened in 1909, this tree-lined thoroughfare was first conceived of in 1890 as a means of connecting the borough of Manhattan to the northern Bronx. Over the course of its 100 years, the Grand Concourse has played a long-standing role in defining the Bronx community, and serving as the central north-south artery of the borough. For over four miles, the Grand Concourse is lined by several parks, fountains, and other pedestrian-friendly community treasures.

**Recognizing the Florida Keys Scenic Highway on the Occasion of Its Designation as an All-American Road by the U.S. Department of Transportation**

(H. Res. 917)

March 24, 2010

H. Res. 917 recognizes the Florida Keys Scenic Highway on the occasion of its designation as an All-American Road by the DOT and congratulates those residents of the Florida Keys who participated in the effort to support this designation.
EXPRESSING SUPPORT FOR DESIGNATION OF APRIL AS NATIONAL DISTRACTED DRIVING AWARENESS MONTH

(H. Res. 1186)

March 23, 2010

H. Res. 1186 expresses support for the designation of April as Distracted Driving Awareness month; encourages all people in the United States to consider the lives of others on the road and avoid distracted driving; and requests the Clerk of the House to transmit a copy of the resolution to FocusDriven, an advocacy group for victims of motor vehicle crashes involving drivers using cell phones.

Other Legislation

SURFACE TRANSPORTATION AUTHORIZATION ACT OF 2009

(H.R. ____)

Subcommittee Reported Favorably to the Committee on June 24, 2009

On June 24, 2009, the Subcommittee on Highways and Transit met to mark up H.R. _____, the “Surface Transportation Authorization Act of 2009”.

The Surface Transportation Authorization Act of 2009 authorizes the nation’s highway, highway safety, and public transportation programs. This legislation is designed to replace the current authorization, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) (P.L. 109–59), which expired on September 30, 2009.

In preparation for authorization of the surface transportation programs, the Subcommittee on Highways and Transit held more than 30 hearings and six Member briefings in the 110th and 111th Congresses to examine various aspects of the surface transportation networks or policies.

Prior to the Subcommittee markup, the bipartisan leadership of the Committee on Transportation and Infrastructure released a white paper, entitled “A Blueprint for Investment and Reform”, outlining the new surface transportation authorization bill.

The Surface Transportation Authorization Act of 2009 transforms the nation’s surface transportation programs to achieve specific national objectives: reducing fatalities and serious injuries on highways; improving mobility and access in metropolitan areas; upgrading the freight transportation network; expanding the interconnectivity of communities; providing transportation choices for commuters and travelers; limiting the adverse effects of transportation on the environment; and promoting modal choice, public health and the livability of our communities.

The Surface Transportation Authorization Act of 2009 modernizes and reforms the nation’s surface transportation framework and provides the necessary investment to carry out this vision. The bill provides increased transparency, accountability, oversight, and performance measurement to ensure maximum return on investments
in the nation’s surface transportation network. Specifically, the Surface Transportation Authorization Act of 2009:

- Redefines the Federal role and restructures Federal surface transportation by consolidating or terminating more than 75 programs;
- Consolidates the majority of highway funding into four core formula categories designed to bring our highway and bridge systems to a state of good repair; improve highway safety; develop new and improved system capacity; and reduce congestion and greenhouse gas emissions and improve air quality;
- Focuses the majority of transit funding into four core categories to bring urban and rural public transit systems to a state of good repair; provide specific funding to restore transit rail systems; provide mobility and access to transit-dependent individuals; and plan, design, and construct new transit lines and intermodal facilities;
- Directs Federal highway safety investments to specific activities demonstrated to reduce fatalities and injuries on our roads;
- Establishes new initiatives to address the crippling impacts of congestion in major metropolitan regions, and eliminate bottlenecks in freight transportation;
- Creates a National Transportation Strategic Plan, based on long-range highway, transit, and rail plans developed by States and metropolitan regions, to develop intermodal connectivity of the nation’s transportation system and identify projects of national significance;
- Reforms the U.S. Department of Transportation (DOT) to require intermodal planning and decision-making; ensuring that projects are planned and completed in a timely manner; and making certain that DOT programs advance the livability of communities;
- Requires States and local governments to establish transportation plans with specific performance standards; measure their progress in meeting these standards annually; and periodically adjust their plans as necessary to achieve specific objectives;
- Improves the project delivery process by eliminating duplication in documentation and procedures;
- Establishes a new program to finance planning, design, and construction of high-speed rail;
- Creates a National Infrastructure Bank to better leverage limited transportation dollars.

On June 24, 2009, the Subcommittee reported the bill favorably to the Committee by voice vote. No further action was taken on this legislation.
THE SURFACE TRANSPORTATION EARMARK RESCISSION, SAVINGS, AND ACCOUNTABILITY ACT

(H.R. 5730)

Passed the House on July 27, 2010

H.R. 5730 rescinds $713.208 million of Federal-aid highway contract authority from 309 Member-designated high priority projects from four prior surface transportation authorization acts, including every surface transportation authorization act of the past two decades.

Specifically, the bill: rescinds all remaining highway earmarks ($4.55 million for 2 projects) designated in the Surface Transportation and Uniform Relocation Assistance Act of 1987 (STURAA) (P.L. 100–17); rescinds all remaining highway earmarks ($263.543 million for 154 projects) designated in the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) (P.L. 102–240); rescinds all highway projects ($441.475 million for 152 projects) designated in the Transportation Equity Act for the 21st Century (TEA 21) (P.L. 105–178) that have not obligated at least 10 percent of the funds authorized for the project; and rescinds all High Priority Project program funds ($8.190 million for 1 project) authorized by SAFETEA–LU (P.L. 109–59) that were not designated for use on a specific project.

Additionally, the bill repeals a corridor designation under the Appalachian Development Highway System program. The bill also requires the Secretary of Transportation to submit an annual report on highway earmarks that have inactive funds.

THE SURFACE TRANSPORTATION SAVINGS ACT

(H.R. 5604)

Passed the House on July 20, 2010

H.R. 5604 rescinds $106.8 million in excess contract authority that NHTSA and the Federal Transit Administration (FTA) cannot use in FY 2010. Specifically, the bill: Recinds $81 million from NHTSA's safety belt performance grant program; rescinds $8.5 million from NHTSA's administrative expenses, National Driver Register program, and research and development programs; and rescinds $17.4 million from FTA's formula and bus grant programs.

THE SURFACE TRANSPORTATION EXTENSION ACT OF 2009

(H.R. 3617)

Passed the House on September 23, 2009

The Surface Transportation Extension Act of 2009 called for the extension of Federal highway, highway safety, public transportation, motor carrier safety, surface transportation research programs and policies authorized by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) through December 31, 2009. The authorizations for Federal surface transportation programs expired on September
Funding for these programs and policies was subsequently provided through a series of Continuing Resolutions and passage of the Hiring Incentives to Restore Employment (HIRE) Act (P.L. 111–147); these funds will continue through December 31, 2010.

THE STATE ETHICS LAW PROTECTION ACT OF 2010
(H.R. 3427)
Passed the House on September 28, 2010

H.R. 3427 provides that a State may not be considered to have violated the FHWA statutory requirements under 23 U.S.C. §112(b) solely because of enactment of a State or local law prohibiting “pay-to-play”.

Some States have enacted statutes (“anti-pay-to-play laws”) limiting the amount of money that an individual or entity doing business with a State agency may contribute to a political party, campaign, or elected official. FHWA has interpreted State anti-pay-to-play laws as potentially conflicting with the competitive bidding requirements that apply to the use of Federal-aid highway funds in 23 U.S.C. §112(b). FHWA has threatened to withhold Federal highway funds from States that enacted anti-pay-to-play laws that apply to contracts on Federal-aid highway projects.

H.R. 3427 provides that a State will not be considered to have violated FHWA bidding requirements solely because the State enacted an anti-pay-to-play law.

THE RESIDENTIAL AND COMMUTER TOLL FAIRNESS ACT OF 2010
(H.R. 3960)
Passed the House on September 28, 2010

H.R. 3960 clarifies the existing authority of, and as necessary provides express authorization for, public entities to offer residentially-based toll discounts to “captive tollpayers” who reside in, or regularly commute to, areas with geographically-constrained transportation access—e.g., communities on islands or peninsulas accessed only by toll bridges—that requires the payment of transportation tolls or fares and thus bear heavy toll burdens. Nothing in H.R. 3960 limits any other existing authorities possessed by these public authorities, including the authority to offer toll discounts to other travelers. H.R. 3960 also clarifies that nothing in the Act affects, alters, or limits the applicability of existing State or local laws regarding the authority to impose toll discounts.

HORSE TRANSPORTATION SAFETY ACT OF 2009
(H.R. 305)
Reported Favorably to the House on July 29, 2010

This legislation prohibits a person from transporting a horse in interstate commerce in a motor vehicle containing two or more lev-
els stacked on top of one another. It also sets forth civil penalties for persons who knowingly violate such prohibition.

**National Park Service Authorities and Corrections Act of 2009**

(H.R. 3804)

Passed the House on December 7, 2009

H.R. 3804 makes technical corrections to various Acts affecting the National Park Service (NPS) and also authorizes a land exchange between the George Washington Memorial Parkway and Federal Highway Administration (FHWA) to reflect an agreement signed by the two agencies. The FHWA’s Turner-Fairbank Highway Research Center is adjacent to the GW Parkway, and FHWA has allowed the use of a road on the Center’s property to provide access to the popular Claude Moore Colonial Farm, which is inside the parkway boundaries. FHWA has agreed to transfer to NPS a parcel of less than an acre that is needed to keep access to the farm open; in exchange, NPS has agreed to transfer to FHWA a strip of land outside the perimeter fence of the research center, and to restrict use on another parcel.

**To Direct the Secretary of Transportation to Update a Research Report and Issue Guidance to the States With Respect to Reducing Lighting on the Federal-Aid System During Periods of Low Traffic Density, and for Other Purposes**

(H.R. 1997)

Reported Favorably to the House on September 22, 2010

This legislation directs the Secretary, acting through the Federal Highway Administration (FHWA) and in cooperation with the American Association of State Highway and Transportation Officials (AASHTO), to update a FHWA research report entitled “Reduced Lighting on Freeways During Periods of Low Traffic Density.” This report was released in August 1985.

In updating the report, H.R. 1997 instructs the Secretary to address issues of optimal times and conditions for reduced lighting; appropriate lighting levels for various roads and road features; appropriate manner in which to carry out reduced lighting; energy savings and reduction in greenhouse gases that may result from reduced lighting; and any legal issues relating to reducing lighting, including the development of such issues since the release of the original research report in 1985.

This bill instructs the Secretary, within 180 days of enactment, to issue guidance to the States with respect to reducing lighting on the Federal-aid system during periods of low traffic density based on the findings of the updated research report.

**Hearings**

During the 111th Congress, the Subcommittee on Highways and Transit held 13 hearings and one Members’ roundtable.
ENERGY REDUCTION AND ENVIRONMENTAL SUSTAINABILITY IN SURFACE TRANSPORTATION

On January 27, 2009, the Subcommittee held a hearing to receive testimony on approaches for addressing energy usage and environmental sustainability in surface transportation. This hearing was part of the Subcommittee’s effort to prepare for the reauthorization of Federal surface transportation programs under SAFETEA-LU, which expired on September 20, 2009. The Subcommittee received testimony from a State Secretary of Transportation, a general manager of a metropolitan transit agency, a representative of local government, a representative of an environmental organization, a director of urban and land use policy for a think tank, and a number of representatives from industries that offer methods for improving environmental sustainability in the nation’s infrastructure.

Currently, the U.S. is the world’s largest energy consumer and largest greenhouse gas (GHG) emitter. According to the Environmental Protection Agency and the U.S. Department of Energy, approximately 30 percent of the United States’ greenhouse gas emissions are produced by mobile sources. Private vehicles are the largest contributor to household “carbon footprints”—accounting for 55 percent of carbon emissions from U.S. households, while 85 percent of transportation sector emissions are related to the surface transportation system. The U.S. is responsible for one-quarter of the 85 million barrels of petroleum consumed worldwide every day.

With the nation’s population expected to grow from approximately 300 million today to 420 million by 2050 and freight volumes expected to grow by 70 percent by 2020, future demands on the intermodal surface transportation network will require implementation of a variety of approaches to address the challenges of the 21st Century.

CONFRONTING FREIGHT CHALLENGES IN SOUTHERN CALIFORNIA

On February 20, 2009, the Subcommittee on Highways and Transit and the Subcommittee on Railroads, Pipelines, and Hazardous Materials held a joint field hearing in Los Angeles, California, to receive testimony on the challenges facing the Southern California region due to the movement of freight. The Subcommittees heard testimony from the Executive Directors of the Port of Long Beach and the Port of Los Angeles, representatives from three local and regional governmental organizations, a labor representative for workers at the ports, trucking industry representatives and independent owners and operators, as well as representatives from the two largest railroads serving the ports.

The Subcommittees also discussed the ports’ efforts to reduce emissions from port-related activities, including from trucks that provide drayage services at the ports. Specifically, the hearing examined the ports’ effort to invest in infrastructure to increase efficiency and expand transportation options for moving freight through the ports and the region. The hearing also examined the ports’ adoption of the San Pedro Bay Ports Clean Air Action Plan, including the Plan’s “Clean Trucks” program.
The Ports of Los Angeles and Long Beach are adjacent port facilities located on San Pedro Bay in Southern California. Together, they constitute the fifth busiest port complex in the world, moving some $260 billion in total trade, including handling 14.33 million 20-foot containers (commonly referred to as twenty-foot equivalent units or TEUs) in 2009. The ports handle approximately 40 percent of all the containers entering the United States.

Air pollution from international goods movement activities at the ports is a major public health problem for the Southern California area. The Southern California region has consistently ranked as having the worst air quality and congestion in the nation. California’s transportation sector is the leading source of GHG emissions in the state, contributing over 40 percent of the state’s annual GHG emissions.

To mitigate the growing congestion levels on Southern California roadways and environmental damages threatening local health and safety, state, local and regional governments have undertaken a number of policy and infrastructure initiatives. These initiatives range from investments in expanded highway and freight rail infrastructure capacity to innovative initiatives to reduce emissions from port-related vehicles. At the hearing, the Subcommittees heard from several witnesses on the steps taken to reduce congestion and the environmental and societal impacts of freight movement, and the role that the Federal Government can play in facilitating goods movement.

HIGH PRIORITY PROJECT PROGRAM

On April 28, 2009, the Subcommittee held a hearing to receive testimony on specific High Priority Project (HPP) requests of Members of Congress. The hearing provided an opportunity for Members to provide information to the Subcommittee and to the public about the HPPs that they planned to request in the Surface Transportation Authorization Act of 2009. The hearing is part of the Committee’s effort to ensure greater transparency and accountability in the upcoming surface transportation authorization legislation.

As part of the Committee’s initiative to dramatically increase transparency and accountability in the HPP process, the Committee requires all projects to meet eligibility criteria under Title 23 (Highways) or Chapter 53 of Title 49 (Public Transit) of the United States Code to ensure that HPPs comply with highway and transit program objectives. In addition, the Committee specifically prohibits HPP funding for non-surface transportation projects, such as funding of transportation museums, horse trails, historic battlefields, and other non-transportation projects.

The Committee requires Members to provide specific information on the type, location, total cost, percentage of total cost that the request would finance, and benefits of the project, in order for the Committee to effectively analyze the merits of project requests.

The new Committee HPP guidelines also require Members to specifically identify funding to finance at least 80 percent of the total cost of the phase or segment of the project requested through either (1) the amount requested by the Member; or (2) the amount requested by the Member and other specifically designated Federal,
state, local, or private funding sources. The intent of this provision is to increase the likelihood that construction of the project will be underway during the term of the Act. To ensure that HPPs have significant state or local support, the Committee requires Members to provide at least one letter of support for the project from the state Department of Transportation or affected local government or governmental agency.

**The Importance of Long-Term Surface Transportation Authorization in Sustaining Economic Recovery**

On July 16, 2009, the Subcommittee held a hearing to receive testimony on the importance of a long-term surface transportation authorization in sustaining economic recovery. The Subcommittee received testimony from the Under Secretary of Policy of the U.S. Department of Transportation, as well as representatives from the highway and transit construction associations and a motor coach manufacturer. Witnesses discussed the broad economic benefits and job creation that is driven by investments in the nation's infrastructure.

With the current Federal surface transportation authorization, SAFETEA–LU, set to expire on September 30, 2009, this hearing examined the critical role a long-term authorization would play in creating and sustaining employment opportunities and economic activity.

**Addressing the Problem of Distracted Driving**

On October 29, 2009, the Subcommittee held a hearing to receive testimony on the impact of distracted driving on roadway safety. Witnesses discussed efforts and options for combating distracted driving, and integrating emerging technologies in a manner that does not jeopardize roadway safety. This hearing was part of the Subcommittee's effort to authorize Federal surface transportation programs. The Subcommittee heard testimony from the Secretary of Transportation, a state highway safety administrator, representatives from academia, the wireless industry, the trucking industry, a labor union, and highway safety advocates.

Distracted driving—or driving while engaging in behavior or activities that interfere with operation of a vehicle or divert the attention of the driver—has become recognized as a growing roadway safety concern. According to the National Highway Traffic Safety Administration (NHTSA), in 2008, 5,870 people lost their lives and an estimated 515,000 people were injured in police-reported crashes in which at least one form of driver distraction was reported on the crash report. Driver distraction was reported to have been involved in 16 percent of all fatal crashes in 2008, according to data from the Fatality Analysis Reporting System (FARS), increasing from 12 percent in 2004.

There are a wide array of activities that cause vehicle operators' attention to be diverted away from the primary task of driving, which has the potential to cause or contribute to a crash. Much of the recent focus on this issue has been on the impact of the introduction of greater technology—both in-vehicle systems and commu-
communication devices such as cell phones—which have grown quickly during the past decade.

On October 1, 2009, President Obama signed an Executive Order directing Federal employees not to engage in text messaging while driving government-owned vehicles, when using electronic equipment supplied by the government while driving, or while driving privately-owned vehicles when on official government business.

Secretary of Transportation Ray LaHood also announced DOT’s intention to develop three separate rulemakings to combat distracted driving in the rail, truck, and bus industries. DOT intends to ban text messaging and restrict the use of cell phones by truck and interstate bus operators, and to suspend and revoke the Commercial Driver Licenses of school bus drivers convicted of texting while driving.

PUBLIC TRANSIT SAFETY: EXAMINING THE FEDERAL ROLE

On December 8, 2009, the Subcommittee held a hearing to receive testimony on DOT’s role in ensuring the safety of public transit systems, and to specifically examine the Obama administration’s proposed legislation to significantly change the State Safety Oversight (SSO) program while increasing the Federal Transit Administration’s (FTA) safety oversight and funding role. The hearing was part of the Subcommittee’s effort to reauthorize Federal surface transportation programs under SAFETEA–LU. The Subcommittee heard from the Secretary of Transportation, the Administrator of FTA, the Managing Director of the Government Accountability Office (GAO), the Director of Rail Transit Safety of the National Transportation Safety Board (NTSB), the Director of a state safety oversight agency, and the President of a public transportation association.

In 2008, Americans took 10.7 billion unlinked transit passenger trips on public transportation systems, representing the highest transit ridership levels in 52 years. In addition to increasing in use, rail transit continues to be one of the safest modes of transportation. Transit agencies have fewer fatalities and injuries than does any other mode of travel. Nevertheless, a number of high profile transit accidents in recent years (e.g., Chicago, Boston, San Francisco, and Washington, D.C.) have highlighted several weaknesses in the current state of rail transit safety. According to FTA, more than one-third of the total assets of the largest rail systems are in either marginal or poor condition. Data contained in the U.S. Department of Transportation’s 2006 Conditions and Performance Report indicate that 16 percent of elevated transit structures, 13 percent of underground transit tunnels, and eight percent of transit track is in substandard condition. This results in an estimated $80 billion maintenance backlog for the nation’s rail transit systems.

Public transit systems, however, are not directly regulated by FTA and there are no nationwide mandatory minimum standards for rail transit safety, only voluntary standard produced by industry associations. In fact, FTA is statutorily barred from regulating the operations of any public transportation system, except for purposes of national defense or in the event of a national or regional emergency. In lieu of direct Federal oversight of rail transit or the authority to issue unified Federal safety standards, FTA oversees
26 separate and distinct state transit safety programs operating in 27 different states with inconsistent safety practices and effectiveness. This current state-based system is known as the “State Safety Oversight” (SSO) program.

Using Innovative Financing To Deliver Highway and Transit Projects

On April 14, 2010, the Subcommittee held a hearing to receive testimony on innovative financing practices in surface transportation project delivery. The Subcommittee heard from the Assistant Secretary for Budget and Programs and Chief Financial Officer of the United States Department of Transportation, the Secretary of the North Carolina Department of Transportation, the General Manager and Chief Executive Officer of Denver’s Regional Transportation District, the Chief Executive Officer of the Los Angeles County Metropolitan Transit Authority, and the President of a consulting firm specializing in the financing of transportation infrastructure projects. This hearing was part of the Subcommittee’s effort to reauthorize Federal surface transportation programs under SAFETEA–LU.

Adequate investment in surface transportation infrastructure is critical to the nation’s economic growth, competitiveness in the world marketplace, and the quality of life in our communities. Delivering successful transportation projects requires both sustained and reliable levels of funding, as well as access to sufficient financing mechanisms. Traditionally, highway and public transit investments have been funded through a combination of Federal, state, and local public funds. In addition, private funds have been used to augment and leverage public funds for certain types of transportation projects.

Current public investments in surface transportation are not adequate to meet the needs of the system. According to the U.S. Department of Transportation’s 2008 Status of the Nation’s Highways, Bridges, and Transit: Conditions and Performance report, over the next 20 years, an additional:

- $27 billion per year from all levels of government is needed simply to sustain highway conditions and performance;
- $96 billion per year from all levels of government is needed to make all cost-beneficial highway improvements and to eliminate the backlog of bridge deficiencies;
- $15.1 billion per year in capital investments from all levels of government are necessary to maintain the current average transit asset conditions and current transit vehicle occupancy levels; and
- $21.1 billion per year in capital investment from all levels of government are necessary to improve transit conditions and performance.

Compounding the state, local, and private sector funding and financing shortfalls is the lack of a long-term reauthorization of the Federal surface transportation programs. This severely limits the ability of the Federal Government to provide increased funding and innovative financing tools to achieve the needed investments in the nation’s surface transportation systems. Addressing the Federal surface transportation funding and financing challenges is critical,
and the hearing focused specifically on innovative financing tools and programs that can assist in successfully delivering highway and transit projects.

At the hearing, the Subcommittee received testimony from witnesses that outlined past uses of innovative finance techniques as well as proposed uses for the future that could potentially assist in overcoming the substantial investment gap facing the nation’s infrastructure. Witnesses also testified regarding several significant risks and unintended consequences resulting from poorly structured innovative financing agreements in the past and the impact that these types of arrangements can have on the public benefit over the life of the entire agreement.

ASSESSING THE IMPLEMENTATION AND IMPACTS OF THE CLEAN TRUCK PROGRAMS AT THE PORT OF LOS ANGELES AND THE PORT OF LONG BEACH

On May 5, 2010, the Subcommittee held a hearing to receive testimony on the clean truck programs at the Port of Los Angeles and the Port of Long Beach. The Subcommittee heard from the Deputy Executive Directors of the Port of Los Angeles and the Port of Long Beach; affected parties at the ports including a licensed motor carrier, an independent drayage driver, and representatives of trucking associations; and labor and environmental organizations.

The Ports of Los Angeles and Long Beach are located in the South Coast Air Basin air district, as designated by the State of California to monitor air quality pursuant to the requirements of the Clean Air Act. This air district is consistently rated as having some of the worst air quality in the nation. Specifically, the South Coast Air Basin is designated by the U.S. Environmental Protection Agency (EPA) as a nonattainment area for National Ambient Air Quality Standards for both ozone and particulate matter less than 2.5 microns (PM 2.5).

Diesel particulate matter has been found by the California Air Resources Board (CARB) to pose significant health risks. According to CARB assessments, each year in California, diesel particulate matter contributes to 3,500 premature deaths, 250 cases of lung cancer, and thousands of hospital admissions and lost workdays.

To address these environmental and public health concerns and to allow the ports to continue to grow, in November 2006, the Ports of Los Angeles and Long Beach adopted a plan, entitled the “San Pedro Bay Ports Clean Air Action Plan” (Clean Air Action Plan), for reducing emissions of air pollutants at the ports. The Plan’s components are expected to cut diesel particulate matter emissions from port-related sources by 47 percent within five years. The Plan is also expected to reduce emissions of nitrogen oxide by 45 percent, and reduce emissions of sulfur oxide by 52 percent.

On October 1, 2008, as a component of the Clean Air Action Plan, the Ports of Los Angeles and Long Beach each launched clean truck programs. The goal of these programs is to reduce the emissions of trucks servicing the ports by more than 80 percent below pre-program emissions levels by 2012. These reductions are to be achieved through a phased-in ban of older, polluting trucks that have not been retrofitted with emissions control technologies.
Under the Clean Truck program at the Port of Los Angeles, as of October 1, 2008, all trucks manufactured prior to 1989 are prohibited entry to the port. On January 1, 2010, the port banned any trucks manufactured prior to 2003 that had not been retrofitted, but granted a 120–day extension through April 30, 2010, for trucking companies or drivers who had a clean truck on order. By January 1, 2012, any truck, regardless of age, that is not in compliance with the 2007 Federal Environmental Protection Agency emissions standards will be banned from the port.

The Los Angeles Clean Truck program was designed to limit access to the port to only those trucks and motor carriers operating under concession agreements with the port. Under the terms of the program as initially envisioned, licensed motor carriers would have been required to meet safety and security requirements and pay various fees, as well as register their trucks with the port. The Port of Los Angeles, under its program as initially developed, proposed to offer concession agreements only to motor carriers whose drivers are direct employees of the motor carrier, not independent contractors.

Since October 1, 2008, the Port of Long Beach has banned the entry of trucks of model year 1988 and older as part of the port’s Clean Trucks program. Since January 1, 2010, trucks of model year 1993 and older have been forbidden from serving the Port of Long Beach, along with trucks from model years 1994 through 2003 that have not been retrofitted with emissions control technology. Beginning January 1, 2012, any truck not meeting the model year 2007 Federal emission standards will be prohibited from serving the Port of Long Beach. The Long Beach Clean Trucks program differs from the program developed by the Port of Los Angeles in that the Long Beach program did not propose to require a motor carrier to use employee drivers to qualify for a concession agreement.

Both plans have faced legal challenges. The implementation and legal issues regarding each plan were discussed at this hearing, and the Subcommittee received testimony from a variety of witnesses involved in the ports’ plans to address the environmental impacts of increased freight volume on the communities surrounding the ports.

USING PRACTICAL DESIGN AND CONTEXT-SENSITIVE SOLUTIONS IN DEVELOPING SURFACE TRANSPORTATION PROJECTS

On June 10, 2010, the Subcommittee held a hearing to receive testimony on the use of practical design and context-sensitive solutions to develop highway and road projects. The Subcommittee heard from the Federal Highway Administration (FHWA), the Massachusetts Department of Transportation, the Chair of the Oregon Board of Commissioners, a professor of civil engineering at the University of Kentucky; and transportation consultants with engineering firms. This hearing was part of the Subcommittee’s effort to reauthorize Federal surface transportation programs under SAFETEA–LU.

The Federal Government and state and local governments make significant annual investments in highways and bridges. In 2006, all levels of government spent $161.1 billion on our nation’s highways. The safety and efficiency of travel along these highways is
directly impacted by the standards to which they are designed and constructed.

According to FHWA, the context-sensitive solutions (CSS) process is generally considered to be an approach to designing and delivering projects that “considers the total context within which a transportation improvement project will exist.” Traditionally, transportation design has placed principal importance on vehicular throughput (i.e., moving traffic). The CSS process emphasizes that transportation facilities should fit their physical settings and preserve scenic, aesthetic, historic, and environmental resources, while maintaining safety and mobility.

Another innovative aspect of delivering highway projects is practical design. While some consider practical design to be similar to CSS, and practical design can be part of a context-sensitive approach, practical design is more about planning and designing projects to more effectively reach desired objectives with cost-efficiency as a principal concern. Utilizing a practical design approach focuses on “right-sizing” projects to more appropriately reflect financial constraints, therefore allowing the delivery of a greater number of transportation projects.

**COMPREHENSIVE SAFETY ANALYSIS 2010: UNDERSTANDING FMCSA'S NEW SYSTEM OF MOTOR CARRIER OVERSIGHT**

On June 23, 2010, the Subcommittee held a hearing to receive testimony on the Federal Motor Carrier Safety Administration's (FMCSA) new system to oversee motor carriers and commercial motor vehicle drivers, known as the Comprehensive Safety Analysis 2010 (CSA 2010). The Subcommittee received testimony from the Administrator of FMCSA, as well as representatives from trucking associations and the Commercial Vehicle Safety Alliance (CVSA).

FMCSA utilizes several tools to target its monitoring and enforcement activities over the motor carrier industry, including roadside inspections and safety audits of “new entrants”, or carriers granted new authority to operate, within the first 18 months of their operation. These enforcement tools will remain in place after the implementation of CSA 2010. However, changes will occur regarding the agency’s primary use of Compliance Reviews (CR) to assess the compliance of motor carriers with safety and hazardous materials regulations.

FMCSA cannot conduct CRs of all carriers due to resource constraints; currently, on average the agency conducts a CR of two percent of carriers annually. In 2009, of the 744,809 motor carriers registered with the agency, FMCSA conducted reviews of 9,817 carriers. An additional 6,404 reviews were conducted by State partners. The total of 16,221 CRs represents 2.18 percent of the population regulated by the agency.

To improve motor carrier safety and to reduce the number of crashes and fatalities involving large trucks and buses, in 2004, FMCSA began developing a new enforcement and compliance model known as CSA 2010.

CSA 2010 is designed to allow FMCSA and its State partners to have contact with a larger number of motor carriers than under the current enforcement and monitoring system, to utilize a broader set
of data from roadside inspections, to generate safety information on more carriers, and to identify and correct safety deficiencies among a broader population of carriers before they become a serious safety threat. Under CSA 2010, FMCSA plans to use a new Safety Measurement System (SMS) to prioritize and target motor carriers for enforcement and interventions.

FMCSA has conducted pilot tests of this model in nine States, and plans full implementation of this model nationwide by winter 2010. The agency plans to issue a Notice of Proposed Rulemaking to change the way it determines the safety fitness of a motor carrier in 2011.

The Subcommittee received testimony from the FMCSA Administrator on the status of CSA 2010 implementation, as well as testimony from industry associations regarding their views on the new initiative. There was broad agreement among the trucking industry and enforcement community witnesses that the current model of motor carrier oversight needs to be changed to increase effectiveness, to reach more carriers, and to improve safety. However, several stakeholder groups expressed concerns with certain elements of the proposed CSA 2010 model, including States responsible for enforcement and implementation of the program.

Utilization and Impacts of Automated Traffic Enforcement

On June 30, 2010, the Subcommittee held a hearing to receive testimony on the utilization and impacts of automated traffic enforcement techniques. The Subcommittee heard from representatives from NHTSA, several local elected and law enforcement officials, an insurance association, a road safety advocacy association, and a motorist association.

Automated traffic enforcement refers to the use of technology to monitor and enforce compliance with traffic safety laws. Red-light cameras, which are activated when a vehicle remains in an intersection for a set amount of time after the light turns red, are the most prevalent form of automated traffic enforcement. Speed cameras, which are triggered when a passing vehicle exceeds the speed limit by a predetermined amount, are becoming more common, although they are still less prevalent than red-light cameras. According to the Insurance Institute for Highway Safety, red-light cameras have been implemented in approximately 482 communities across the nation, and approximately 57 communities utilize speed cameras.

As automated enforcement techniques have become more prevalent, debates have arisen on a number of topics relating to its use. Foremost among these debates is whether automated enforcement systems are used primarily for safety improvements, or if their primary purpose is to serve as revenue-generators.

Automated enforcement generates revenue for private-sector photo enforcement vendors and public sector entities including law enforcement and highway safety departments. Photo enforcement systems often become controversial when the laws regarding the length of a yellow-light are not adhered to, when fines increase rapidly in a short period of time, or when photo enforcement becomes primarily focused on raising revenue, rather than improving safety and aiding law enforcement efforts. The Subcommittee heard
from witnesses who supported and opposed these enforcement tech-
niques.

OVERSIGHT OF THE HIGHWAY BRIDGE PROGRAM AND THE NATIONAL
BRIDGE INSPECTION PROGRAM

On July 21, 2010, the Subcommittee held a hearing to receive
testimony regarding oversight by FHWA of the Federal Highway
Bridge Program (HBP) and the National Bridge Inspection Pro-
gram (NBIP). The Subcommittee heard testimony from the U.S.
Department of Transportation Office of Inspector General (DOT
IG), FHWA, GAO, and the American Association of State Highway
and Transportation Officials. This hearing was part of the Sub-
committee’s effort to prepare for the reauthorization of Federal sur-
face transportation programs under SAFETEA–LU.

According to the latest published data compiled by FHWA, as of
December 2009, 149,647 of the nation’s 603,245 public road bridges
(approximately 25 percent) were classified as deficient, including
71,179 structurally deficient bridges and 78,468 functionally obso-
lete bridges. According to a September 2008 GAO report on the
HBP, the number of deficient bridges declined by nearly 12 percent
from 1998 through 2007, even with the addition of more than
16,000 new bridges to the National Bridge Inventory.

After the collapse of the I–35W highway bridge in Minneapolis,
Minnesota, the DOT IG, at the request of the Secretary of Trans-
portation, conducted two evaluations of FHWA’s management of
bridge safety and oversight of the Federal HBP. Those evaluations,
as well as a 2006 DOT IG audit, collectively document deficiencies
related to States’ and FHWA’s management and oversight of various
aspects of the NBIP and HBP.

Overall, these evaluations have uncovered significant examples
of States’ failure to properly load rate, post, or close bridges as re-
quired by the National Bridge Inspection Standards. The DOT IG
also documented serious weaknesses in Federal oversight, includ-
ing decentralized and inconsistent FHWA oversight and evaluation
of state compliance with the NBIP and widespread deficiencies in
the quality of National Bridge Inventory data. Furthermore, the
DOT IG noted FHWA’s current inability to effectively identify and
respond to national bridge safety priorities, track effectiveness of
HBP funding, or strategically establish and evaluate progress
against national bridge priorities.

This hearing assessed the progress being made at the state level
to implement the DOT IG recommendations and improve safety on
the nation’s extensive bridge inventory.
SUMMARY OF ACTIVITIES FOR
THE SUBCOMMITTEE ON RAILROADS, PIPELINES, AND
HAZARDOUS MATERIALS

During the 111th Congress, the Subcommittee on Railroads, Pipelines, and Hazardous Materials, chaired by Representative Corrine Brown, with Representative Bill Shuster serving as Ranking Member, held 13 hearings, including one joint hearing with the Subcommittee on Highways and Transit, and one Members’ roundtable, (111 witnesses and approximately 41 hours) covering the breadth of issues within the jurisdiction of the Subcommittee.

The Committee on Transportation and Infrastructure developed major legislation, H.R. ___, the “Surface Transportation Authorization Act of 2009”, to reauthorize Federal surface transportation programs and provide $450 billion over six years for surface transportation programs and $50 billion for development of high-speed rail. On June 24, 2009, the Subcommittee on Highways and Transit reported the bill favorably to the Committee by voice vote. No further action was taken on this legislation.

The Committee on Transportation and Infrastructure also developed separate legislation to reauthorize the Pipeline and Hazardous Materials Safety Administration’s (PHMSA’s) hazardous materials safety program and establish safety measures designed to ensure the safe transport of hazardous material in all modes of transportation. On November 4, 2009, Chairman James L. Oberstar introduced H.R. 4016, the “Hazardous Material Transportation Safety Act of 2009”. On November, 19, 2009, the Committee ordered H.R. 4016, as amended, reported favorably to the House by voice vote. No further action was taken on the legislation.

The following resolutions were enacted in the 111th Congress:

- H. Res. 367, supporting the goals and ideals of National Train Day,
- H. Res. 484, expressing support for designation of June 10th as “National Pipeline Safety Day”,
- H. Res. 1278, in support and recognition of National Safe Digging Month, April, 2010,
- H. Res. 1301, supporting the goals and ideals of National Train Day,
- H. Res. 1366, recognizing and honoring the freight railroad industry and its employees, and
- H. Res. 1463, supporting the goals and ideals of Railroad Retirement Day.

Bills that passed the House include:

- H.R. 6008, the “Corporate Liability and Emergency Accident Notification Act”.
Public Laws and Resolutions

Supporting the Goals and Ideals of National Train Day

(H. Res. 367)

May 6, 2009

H. Res. 367 recognizes the House of Representatives’ support for National Train Day and the contribution that trains make to the national transportation system. May 9, 2009 is designated as National Train Day because it marked the 140th anniversary of the “golden spike” being driven into the final tie at Promontory Summit, Utah, to complete the first transcontinental railroad.

Expressing Support for Designation of June 10th as “National Pipeline Safety Day”

(H. Res. 484)

June 9, 2009

H. Res. 484 expresses support for the designation of June 10th as “National Pipeline Safety Day”; encourages State and local governments, safety groups, industry, and other pipeline stakeholders to promote pipeline safety; and urges individuals across the nation to become more aware of the pipelines that run through their communities, and to take appropriate safety measures to prevent damage to underground pipelines.

Expressing Support for National Safe Digging Month

(H. Res. 1278)

May 5, 2010

H. Res. 1278 expresses support for the designation of April 2010 as National Safe Digging Month, and encourages all homeowners and excavators to call 811 before conducting any digging or excavation activities to prevent fatalities, injuries, environmental damage, and loss of critical infrastructure and services. According to the DOT’s Pipeline and Hazardous Materials Safety Administration, excavation damage continues to be a leading cause of serious pipeline incidents. More than 256,000 underground utility lines are damaged during excavation each year in the United States; 37.5 percent of which are the result of not calling before digging.

Supporting the Goals and Ideals of National Train Day

(H. Res. 1301)

May 5, 2010

H. Res. 1301 recognizes the House of Representatives’ support for National Train Day and the contribution that trains make to the national transportation system. May 8, 2010, is designated by Amtrak as National Train Day because it marks the 141st anniversary of passenger rail service in the United States and commemorates
the day that the first transcontinental railroad was created. On May 10, 1869, in Promontory Summit, Utah, the golden spike was driven into the final tie that joined 1,776 miles of the Central Pacific and Union Pacific railways, transforming America by creating the nation’s first transcontinental railroad.

RECOGNIZING AND HONORING THE FREIGHT RAILROAD INDUSTRY AND ITS EMPLOYEES

(H. Res. 1366)

July 27, 2010

H. Res. 1366 recognizes and honors the freight railroad industry and its employees; recognizes its important contributions to the national transportation system; and supports the efforts of the freight rail industry and its employees to continue improving safety as our nation moves forward with developing its infrastructure.

Freight railroads have a long and important history in the United States. As early as 1827, freight railroads have aided in the expansion and development of this nation, its infrastructure and its economy. The first common-carrier railroad in North America, the Baltimore & Ohio (B&O) Railroad, was chartered by the State of Maryland in 1827. The B&O continued to operate until 1963, when the Chesapeake and Ohio Railway took control of the railroad; today, it operates as part of CSX Transportation. The B&O was preceded by a few other freight railroads including the Granite Railway in Massachusetts, which began operations in 1826, and the Mohawk & Hudson Railroad in New York, which was created in 1826 and began operations in 1831.

Since 1830, freight rail has been instrumental in bringing American goods to markets both nationally and internationally. Today, 43 percent of all intercity freight volume is moved by freight rail. Over the past three decades, freight railroads have nearly doubled the amount of cargo they ship with virtually no increase in fuel consumption. Freight railroads are one of the most fuel-efficient modes of transportation; they are able to move one ton of freight 480 miles using only one gallon of diesel fuel. One train can take 280 trucks off the road, the equivalent of 1,100 automobiles.

Today, the freight rail industry is comprised of more than 560 railroad companies that operate on 140,000 miles of track across the nation. Freight rail carries more than 2.2 billion tons of freight annually. The freight rail industry employs more than 183,000 people. Since 1980, the freight railroad industry has reinvested $460 billion in revenue toward equipment, maintenance, and rail expansion, which has supported employment and economic activity throughout the United States. For every dollar invested in freight rail capacity, the national economy experiences $3 in economic output.
SUPPORTING THE GOALS AND IDEALS OF RAILROAD RETIREMENT DAY

(H. Res. 1463)

July 20, 2010

H. Res. 1463 supports the goals and ideals of Railroad Retirement Day, as designated by the U.S. Railroad Retirement Board; recognizes the important contributions that the rail industry, rail workers, and railroad retirees make to the national transportation system; and urges the people of the United States to recognize Railroad Retirement Day (August 29, 2010) as an opportunity to celebrate the success and importance of the railroad retirement system to America’s working families. By the beginning of its 75th year, in 2010, railroad retirement benefits had been provided to two million retired employees, 1.1 million spouses, and 2.4 million survivors. Additional unemployment and sickness benefits have been paid to railroad workers who were laid off or injured on the job.

Other Legislation

SURFACE TRANSPORTATION AUTHORIZATION ACT OF 2009

(H.R. ___)

On June 24, 2009, the Subcommittee on Highways and Transit reported favorably to the Committee on June 24, 2009

On June 24, 2009, the Subcommittee on Highways and Transit met to mark up H.R. ___, the “Surface Transportation Authorization Act of 2009”.

The Surface Transportation Authorization Act of 2009 authorizes the nation’s highway, highway safety, and public transportation programs. This legislation is designed to replace the current authorization, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) (P.L. 109–59), which expired on September 30, 2009.

In preparation for authorization of the surface transportation programs, the Subcommittee on Highways and Transit held more than 30 hearings and six Member briefings in the 110th and 111th Congresses to examine various aspects of the surface transportation networks or policies.

Prior to the Subcommittee markup, the bipartisan leadership of the Committee on Transportation and Infrastructure released a white paper, titled “A Blueprint for Investment and Reform”, outlining the new surface transportation authorization bill.

The Surface Transportation Authorization Act of 2009 transforms the nation’s surface transportation programs to achieve specific national objectives: reducing fatalities and serious injuries on highways; improving mobility and access in metropolitan areas; upgrading the freight transportation network; expanding the interconnectivity of communities; providing transportation choices for commuters and travelers; limiting the adverse effects of transportation on the environment; and promoting modal choice, public health and the livability of our communities.
The Surface Transportation Authorization Act of 2009 also advances the Committee’s and President Barack Obama’s bold vision for development of high-speed rail in the United States. The Act provides $50 billion over six years to develop 11 authorized high-speed rail corridors linking major metropolitan regions in the United States. To support this high-speed rail initiative, the U.S. Department of Transportation (DOT), acting in part through the National Infrastructure Bank, may provide grants, loans, loan guarantees, lines of credit, private-activity bonds, tax-credit bonds, and other financial tools to States to invest in construction of these high-speed rail corridors. This funding will not be provided from motor vehicle fuel user fees of the Highway Trust Fund.

In addition to addressing high-speed rail, the Surface Transportation Authorization Act of 2009 reauthorizes several programs, including the Rail Line Relocation program and a capital grant program for Class II and Class III railroads, that provide funding for freight rail infrastructure improvements that, combined with the high-speed rail initiative, will help resolve some of our nation’s economic, energy, environmental, and transportation challenges.

The Surface Transportation Authorization Act of 2009 also makes significant improvements to the Railroad Rehabilitation and Improvement Financing loan program by authorizing the Secretary of Transportation (Secretary) to reduce the interest paid on direct loans provided to loan recipients; authorizing the Secretary to allow recipients of direct loans and loan guarantees to pay the credit risk premium over the life of the loan; allowing recipients of direct loans and loan guarantees to provide private insurance, including bond insurance, in lieu of credit risk premiums; and requiring recipients of direct loans and loan guarantees to comply with Buy America. In addition, the bill increases transparency for Buy America waivers provided to Amtrak; requires the Secretary to conduct a study to determine the optimum separation requirements between locomotives and hazardous material cars, and to develop regulations based on the results of that study; directs the Secretary to transmit a report on the conditions and performance of the freight and intercity passenger rail system; and makes technical corrections to the Rail Safety Improvement Act of 2008 and the Passenger Rail Investment and Improvement Act of 2008.

On June 24, 2009, the Subcommittee on Highways and Transit reported the bill favorably to the Committee. No further action was taken on this legislation.

Hazardous Material Transportation Safety Act of 2009

(H.R. 4016)

Ordered Reported Favorably to the House on November 19, 2010

H.R. 4016, the “Hazardous Material Transportation Safety Act of 2009”, reauthorizes PHMSA’s Office of Hazardous Materials Safety and establishes safety measures designed to ensure the safe transport of hazardous material in all modes of transportation and reduce the risks to life and property inherent in the commercial transportation of hazardous material. The authorization of
PHMSA’s hazardous material safety program expired on September 30, 2008.

The bill authorizes $273 million over five years to provide resources to enable PHMSA to increase hazardous material safety, strengthen emergency response capabilities, and increase enforcement of hazardous material laws and regulations. The bill requires PHMSA to increase personnel by a total of 84 full-time employees, including inspectors, by fiscal year 2012. The authorization maintains the Hazardous Materials Emergency Preparedness (HMEP) grant program at the current level of $23.7 million but provides the Secretary with the flexibility to use more of the available funding for training. Funding for nonprofit organizations to conduct train-the-trainer programs remains at $5 million.

The bill requires the Secretary of Transportation (Secretary) to prescribe minimum standards for persons who provide hazardous material transportation emergency response information services. In addition, it enhances training for emergency responders. The legislation requires the Secretary to establish a national hazardous materials fusion center to serve as a data and information network for emergency response providers to enhance communication and safety.

The legislation requires the Administrator of PHMSA, in coordination with the Administrator of the Federal Aviation Administration (FAA), to issue regulations for the safe transportation of lithium cells and batteries on board aircraft no later than 24 months after the date of enactment of the Hazardous Material Transportation Safety Act of 2009. In part, the regulations, at a minimum, must: (1) require proper identification of lithium cells and batteries as hazardous material on packages and in shipping documents; (2) establish requirements for testing and retesting lithium cells and batteries that are, at a minimum, equivalent to the United Nations testing regime; (3) limit the stowage of lithium cells and batteries to crew-accessible locations, unless the batteries or cells are transported in a fire-resistant container or the aircraft contains a fire suppression system capable of extinguishing or controlling a fire involving a lithium cell or battery; and (4) require reporting of all accidents and incidents involving lithium cells and batteries that occur on board an aircraft, during loading or unloading operations, or storage incidental to movement and require retention of the failed cells or batteries for evaluation.

Consistent with the National Transportation Safety Board’s (NTSB) longstanding safety recommendation, H.R. 4106 prohibits the transportation of Class 3 flammable liquid in the external product piping of all cargo tank motor vehicles manufactured two years after the date of enactment of the Act. The bill mandates that all existing vehicles are prohibited from transporting Class 3 flammable liquid in the external product piping of cargo tank motor vehicles on or after December 31, 2025, and provides the Secretary with authority to grant a public interest waiver. The prohibition does not apply to cargo tank motor vehicles that employ alternative means to achieve an equivalent level of safety.

This legislation maintains current law authorizing the Secretary to issue special permits and approvals but requires the Secretary to determine that the person is fit, willing, and able to conduct the
authorized activity prior to issuance of any special permit or approval. Finally, H.R. 4016 directs the Secretary to carry out a program to develop uniform forms and procedures for States to register, and issue permits to persons who transport, or cause to be transported, hazardous material by motor vehicle.

On November 19, 2009, the Committee ordered H.R. 4016, as amended, reported favorably to the House. No further action was taken on the legislation.

THE “CORPORATE LIABILITY AND EMERGENCY ACCIDENT NOTIFICATION ACT” (CLEAN ACT)

(H.R. 6008)

Passed the House on September 28, 2010

H.R. 6008, the “Corporate Liability and Emergency Accident Notification Act” (CLEAN Act), requires the owner or operator of a pipeline facility to provide immediate telephonic notice to the Secretary of the DOT and the National Response Center at the earliest practicable moment following discovery of a release of gas or hazardous liquid and no later than one hour following the time of discovery. It further instructs the DOT to issue guidance within 60 days of the date of enactment to clarify the meaning of the term “discovery” as it relates to the reporting requirement for a leak. The legislation increases the maximum civil penalty per violation from $100,000 to $250,000 and it increases the maximum civil penalty per incident from $1 million to $2.5 million. The legislation also expands the scope of civil penalties to include violations for acts that obstruct or prevent the Secretary from carrying out an inspection or investigation under this chapter. In addition, the legislation requires the Secretary to maintain a database by December 31, 2010, of all reportable incidents involving gas or hazardous liquid pipelines on DOT’s website to allow the public to search the database for incidents by pipeline owner or operator. Finally, this legislation ensures that the budgetary effects of H.R. 6008 will be recorded, for purposes of the statutory Pay-As-You-Go Act of 2010 (P.L. 111–139), based on estimates of the Congressional Budget Office.

Hearings

During the 110th Congress, the Subcommittee on Railroads, Pipelines, and Hazardous Materials held 13 hearings and one Members’ roundtable. Additionally, the Committee on Transportation and Infrastructure held three hearings within the Subcommittee’s jurisdiction.

FREIGHT AND PASSENGER RAIL: PRESENT AND FUTURE ROLES, PERFORMANCE, BENEFITS AND NEEDS

On January 28, 2009, the Subcommittee held a hearing to receive testimony on the roles of freight and passenger railroads in the U.S. economy; the impact of the current economic crisis on the railroad industry, its suppliers, and employees; the benefits of
freight and passenger rail; and freight and passenger rail investment needs.

At the request of the National Surface Transportation Policy and Revenue Study Commission, a railroad association commissioned an assessment of the capacity of the nation’s rail system to accommodate the estimated increase in rail freight traffic. The assessment, which was discussed at the hearing, found the costs of improvements needed to accommodate rail freight demand in 2035 is estimated at $148 billion (in 2007 dollars). The Class I freight railroads’ share of this cost is projected to be $135 billion and the short line and regional freight railroads’ share is projected to be $13 billion. Prior the economic crisis, the Class I railroads anticipated that they would be able to generate about $96 billion of their $135 billion share through increased earnings from revenue growth, higher volumes, and productivity improvements, while continuing to renew existing infrastructure and equipment, leaving a balance for the Class I freight railroads of $39 billion or about $1.4 billion annually to be funded from other sources. Witnesses testified that, without this investment, 30 percent of the rail miles in primary rail corridors (the preponderance of rail freight traffic) will be operating above capacity by 2035, and another 25 percent will be operating near or at capacity. The $96 billion, however, had assumed that the railroads could continue increasing investments in capital expansion. Due to the economic crisis, railroads are cutting back on those investments; rail volumes are sliding considerably; and rail employees are being laid off.

Witnesses also discussed the importance of investing in passenger rail. The Passenger Rail Working Group for the National Surface Transportation Policy and Revenue Study Commission reported in 2007 that the total capital cost estimate for re-establishing the national intercity passenger rail network between now and 2050 was $357.2 billion (in 2007 dollars), for an annualized cost of $8.1 billion, about $5 billion of which the States would request annually from the Federal Government. Witnesses focused on the benefits of investing in passenger and freight rail.

CONFRONTING FREIGHT CHALLENGES IN SOUTHERN CALIFORNIA

On February 20, 2009, the Subcommittee on Highways and Transit and the Subcommittee on Railroads, Pipelines, and Hazardous Materials held a joint field hearing in Los Angeles, California, to receive testimony on the challenges facing the Southern California region due to the movement of freight. The Subcommittees heard testimony from the Executive Directors of the Port of Long Beach and the Port of Los Angeles, representatives from three local and regional governmental organizations, a labor representative for workers at the ports, trucking industry representatives and independent owners and operators, as well as representatives from the two largest railroad operators serving the ports.

The Subcommittees also discussed the ports’ efforts to reduce emissions from port-related activities, including from trucks that provide drayage services at the ports. Specifically, the hearing examined the ports’ effort to invest in infrastructure to increase efficiency and expand transportation options for moving freight through the ports and the region. The hearing also examined the
ports’ adoption of the San Pedro Bay Ports Clean Air Action Plan, including the Plan’s “Clean Trucks” program.

The Ports of Los Angeles and Long Beach are adjacent port facilities located on San Pedro Bay in Southern California. Together, they constitute the fifth busiest port complex in the world, moving some $260 billion in total trade, including handling 14.33 million 20-foot containers (commonly referred to as twenty-foot equivalent units or TEUs) in 2009. This represented approximately 40 percent of all the containers entering the United States.

Air pollution from international goods movement activities at the ports is a major public health problem for the Southern California area. The Southern California region has consistently ranked as having the worst air quality and congestion in the nation. California’s transportation sector is the leading source of greenhouse gas (GHG) emissions in the state, contributing over 40 percent of the state’s annual GHG emissions.

To mitigate the growing congestion levels on the Southern California roadways and environmental damages threatening local health and safety, state, local and regional governments have undertaken a number of policy and infrastructure initiatives. These initiatives range from investments in expanded highway and freight rail infrastructure capacity to innovative initiatives to reduce emissions from port related vehicles. At the hearing, the Subcommittees heard from several witnesses on the steps taken to reduce congestion and the environmental and societal impacts of freight movement, and the role that the Federal Government can play in facilitating goods movement.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING PROGRAM

On April 22, 2009, the Subcommittee held a hearing to receive testimony on the Railroad Rehabilitation and Improvement Financing (RRIF) program. The hearing focused on the importance of the RRIF program in helping States, railroads, and shippers finance development of, and improvements to, existing railroad infrastructure. In addition, the hearing highlighted the problems RRIF applicants face in obtaining RRIF loans and ways of improving the RRIF loan program in the surface transportation reauthorization bill.

FRA officials testified that since the creation of the program, the FRA has made 22 loans totaling $786.72 million. Three of the loans (totaling $381 million) have been repaid in full and there have been no defaults on RRIF loans. Some railroad witnesses highlighted problems with the timing and unpredictability of the program; one witness testified it took more than 50 months to secure a RRIF loan from the FRA. The hearing specifically addressed the value of the program and ways to improve it. FRA officials testified that they were in the process of recruiting staff to administer the program. In addition, FRA officials testified that they had received a significant increase in the number of inquiries about the program in light of the economy and widespread problems in the credit markets.
REAUTHORIZATION OF THE DEPARTMENT OF TRANSPORTATION’S HAZARDOUS MATERIALS SAFETY PROGRAM

On May 14, 2009, the Subcommittee held a hearing to receive testimony on reauthorization of DOT’s hazardous materials safety program. The program was last reauthorized in SAFETEA–LU. The authorization for DOT’s hazardous materials safety program expired on September 30, 2008. The purpose of the hearing was to review implementation of the SAFETEA–LU amendments and prepare for reauthorization of the program.

Witnesses focused on ways to strengthen the safety of transporting hazardous materials, including providing for increased training for fire personnel, maintaining the shared jurisdiction of DOT and the Department of Labor in protecting the safety and health of hazardous materials employees, and establishing standards for ensuring the safe transport of flammable liquid, such as gasoline, by tank truck.

Gasoline and diesel fuel can be transported in external pipes, or wet lines, situated below cargo tanks on tanker trucks. Wet lines are designed to break away at the connection point to the tank to prevent the loss of the entire contents of the tank. The Chairman of the National Transportation Safety Board (NTSB) testified at the hearing that if a wet line is full of gasoline or diesel when the breakaway occurs, it can release as much as 50 gallons of product, presenting a significant fire hazard. The NTSB Chairman testified that this safety hazard should be addressed in the legislation.

At the hearing, PHMSA also unveiled a plan, developed jointly with the FAA, to adopt additional safety standards for transporting lithium cells and batteries on board passenger and cargo aircraft, including requiring that all lithium cells and batteries be designated as hazardous material, triggering packaging, notification, and marking requirements.

The NTSB testified that the PHMSA–FAA plan, as drafted, would address many of the NTSB’s safety concerns with respect to transporting lithium cells and batteries on board aircraft.

EXPANDING PASSENGER RAIL SERVICE

On June 22, 2009, the Subcommittee held a field hearing in Pittsburgh, Pennsylvania, to receive testimony on the need for expanding passenger rail service across the nation and the benefits of expansion.

Witnesses testified that our nation’s transportation system is near capacity, with gridlock on our highways and in our airspace. In 2006, there were more than three trillion vehicle miles traveled, five times the level in 1955. This figure is roughly double the nation’s total mileage traveled in 1980, and more than four times the total mileage traveled in 1957, the interstate’s first year.

According to the Texas Transportation Institute’s 2007 Urban Mobility Report, the wasted fuel and time resulting from this congestion has translated into a total congestion cost of $78.2 billion in 2005—$5.1 billion higher than in 2004. The report also found that congestion causes the average peak-period traveler to spend an extra 38 hours of travel time, 26 gallons of fuel, and amounts to a cost of $710 per traveler.
Our nation’s airways fared no better. Despite record passenger loadings of 765.3 million domestic and international passengers in 2007, delays in the nation’s aviation system delivered a staggering blow to the economy, costing passengers, airlines and related businesses $41 billion, according to a congressional study. In fiscal year 2008, U.S. airlines continued to meet demand, carrying 757.4 million passengers, but the impact of unprecedented fuel prices and a recession caused airlines to cutback capacity through reductions and elimination of routes leaving consumers to vie for fewer choices and capacity.

The DOT witness testified that the resulting increase in congestion is “chronic”. All of the witnesses testified that moving passengers to railways can have an immediate impact on highways and airways, alleviating congestion, and reducing the use of and pollutants from fossil fuels.

Amtrak has five intercity rail routes in Pennsylvania, and the state has higher-than-average passenger rail ridership. However, only one route, the Pennsylvania, provides service west of Harrisburg. At the hearing witnesses testified that there was a significant need for more passenger rail service in Western Pennsylvania.

HIGH-SPEED RAIL IN THE UNITED STATES: OPPORTUNITIES AND CHALLENGES

On October 14, 2009, the Subcommittee held a hearing to receive testimony on the opportunities and challenges of developing high-speed rail in the United States. Witnesses focused on the need to increase Federal investment in rail and pointed to the discrepancy in historical Federal investment between highways, aviation, and intercity passenger rail as a major problem. Between 1958 and 2008, nearly $1.3 trillion has been invested in our nation’s highways and more than $473 billion in the nation’s aviation system. Federal investment in passenger rail began in 1971 with the creation of the National Railroad Passenger Corporation (Amtrak). Between 1971 and 2008, only $53 billion has been invested in passenger rail.

REAUTHORIZATION OF THE DEPARTMENT OF TRANSPORTATION’S HAZARDOUS MATERIALS SAFETY PROGRAM

On November 16, 2009, the Subcommittee held a field hearing in Baltimore, Maryland, to receive testimony on reauthorization of DOT’s hazardous materials safety program. The hearing also focused on issues addressed in H.R. 4016, the “Hazardous Material Transportation Safety Act of 2009”, particularly provisions of the bill addressing wet lines and lithium batteries.

Gasoline and diesel fuel can be transported in external pipes, or wet lines, situated below cargo tanks on tanker trucks. Wet lines are designed to break away at the connection point to the tank to prevent the loss of the entire contents of the tank. According to the NTSB, if a wet line is full of gasoline or diesel fuel when the breakaway occurs, it can release as much as 50 gallons of product, presenting a significant fire hazard.

Section 202 of H.R. 4016 prohibits the transportation of Class 3 flammable liquid, such as gasoline, in the external product piping
(“wet lines”) of all cargo tank motor vehicles manufactured two years after the date of enactment. All existing vehicles are prohibited from transporting Class 3 flammable liquid in the external product pipeline of cargo tank motor vehicles on or after December 31, 2025. NTSB and DOT officials and a labor representative testified in support of Section 202. Witnesses representing the tank truck industry opposed the provision.

Section 201 of the bill requires DOT to issue regulations for the safe transportation of lithium cells and batteries on board aircraft. The regulations, at a minimum, must: (1) require proper identification of lithium cells and batteries as hazardous material on packages and in shipping documents; (2) establish requirements for testing lithium cells and batteries; (3) provide for appropriate marking that indicates compliance with testing requirements; (4) adopt a watt-hours requirement for easily understandable hazard levels; (5) establish limits on the number of packages that may be transported in a unit load device, pallet, or crew-accessible locations, unless the batteries or cells are transported in a fire-resistant container or the aircraft is equipped with appropriate fire-suppression systems; and (8) requires reporting of all accidents and incidents involving lithium cells and batteries. The section provides exceptions for small quantities of batteries that are shipped on board aircraft for the personal use of the receiver of the shipment, and maintains the exceptions in current regulations for passengers, crewmembers, and air operators. The legislation mirrored the joint PHMSA–FAA plan to adopt additional safety standards for transporting lithium cells and batteries on board passenger and cargo aircraft, which was unveiled at the Subcommittee’s May 14, 2009 hearing. NTSB and DOT officials and representatives of labor organizations testified in support of Section 202. A witness representing U.S. air carriers testified in opposition to the provision.

HIGH-SPEED RAIL GRANTS AWARDED UNDER THE RECOVERY ACT


The awards covered 13 large-scale high-speed rail corridors across the country. The major corridors are part of a total of 31 states receiving investments, including smaller projects and planning work that will help lay the groundwork for future HSIPR service. In the West, seven projects received a total of $2.94 billion. In the Midwest, nine projects received a total of $2.62 billion. In the Northeast, eight projects received a total of $485 million. In the Southeast, five projects received a total of $1.88 billion. Only two states requested funding for high-speed rail express service or emerging high-speed rail; both projects were funded. Florida was awarded $1.25 billion for a new high-speed rail corridor between Tampa and Orlando with trains running up to 168 miles per hour. California was awarded $2.25 billion for its planned project to con-
connect Los Angeles to San Francisco and points in between with trains running up to 220 miles per hour.

The hearing focused on the need for increased investment in passenger and high-speed rail and State plans for improving high-speed rail service with the Recovery Act grants. The hearing also focused on the selection process that the FRA used to make the awards. FRA officials testified in detail about their selection process, including how they established a review panel to ensure consistency in their decisions. Further, FRA officials defended their selections as meeting the intent of both the Passenger Rail Investment and Improvement Act and the American Recovery and Reinvestment Act by selecting both high-speed projects as well as those designed to improve speeds and service on intercity passenger rail routes, such as in the Midwest corridor.

INTERMODAL HIGH-SPEED RAIL CONNECTIONS

On May 3, 2010, the Subcommittee held a field hearing in Miami, Florida, to receive testimony on intermodal high-speed rail connections. This hearing followed up on the April 20, 2010 hearing on high-speed intercity passenger rail grants awarded under the Recovery Act and focused on how investments in passenger rail service can create an intermodal transportation network.

The hearing focused on Florida as an example of a state’s efforts to create a comprehensive intermodal transportation network and the benefits that can potentially be derived from such a network. Alternatively, it also highlighted weak links in a system when the network is planned by mode or facility and not with connections between modes, airports, and seaports.

Witnesses from the Orlando International and Miami International airports highlighted the benefits that high-speed rail connectivity will bring to the state. In addition, testimony from the cruise lines, commuter railroads, and Amtrak supported the idea of interconnectivity as the high-speed rail corridor is developed. The hearing was also designed to highlight the importance of a provision of H.R. 11, the “Surface Transportation Authorization Act of 2009”, that establishes an Office of Intermodalism within DOT that would be tasked with creating a national strategic transportation plan.

IMPLEMENTATION OF THE PIPELINE INSPECTION, PROTECTION, ENFORCEMENT AND SAFETY ACT OF 2006 AND REAUTHORIZATION OF THE PIPELINE SAFETY PROGRAM

On May 20, 2010, the Subcommittee held a hearing to receive testimony on the efforts of PHMSA to implement the Pipeline Inspection, Protection, Enforcement and Safety Act of 2006 (P.L. 109–468) in preparation for reauthorization of the pipeline safety program, which expired on September 30, 2010. The hearing focused on the substantial progress PHMSA had made in implementing the law and suggestions for items to include in a reauthorization bill.
THE SAFETY OF HAZARDOUS LIQUID PIPELINES: REGULATED VS. UNREGULATED PIPELINES

On June 29, 2010, the Subcommittee held a hearing to receive testimony on the regulation of pipelines, exemptions from regulation, and any gaps that exist in the current statute or regulations. PHMSA has jurisdiction over the safety of the nation’s pipeline system. However, PHMSA authorizes certain states to conduct oversight of intrastate and interstate pipelines in lieu of Federal oversight. When this occurs, the states must certify annually to the Secretary that they have adopted, or are in the process of adopting, the Federal standards; are enforcing the standards; and are encouraging and promoting the establishment of damage prevention programs. PHMSA testified that 17 states are certified to inspect intrastate hazardous liquid pipelines and six states are authorized to conduct inspections for interstate hazardous liquid pipelines.

At the hearing, witnesses discussed the significant number of pipelines that are exempt from PHMSA’s safety regulations (e.g., certain gathering lines and flow lines). Numerous safety and environmental groups have requested that PHMSA review these exemptions. The hearing also addressed concerns with PHMSA’s Notice of Proposed Rulemaking (NPRM) issued on June 23, 2010, to regulate low-stress pipelines. NTSB officials testified that they were concerned with certain aspects of PHMSA’s pipeline safety program including regulation of low-stress pipeline systems and underscored the importance of effective oversight by pipeline operators and PHMSA to ensure success of the pipeline safety program.

THE SAFETY OF HAZARDOUS LIQUID PIPELINES (PART 2): INTEGRITY MANAGEMENT

On July 15, 2010, the Subcommittee held a hearing on pipeline operators’ management of the safety of hazardous liquid pipelines, known as integrity management. Federal regulations require pipeline operators to continually evaluate the potential consequences of failure of their pipeline segments that could affect a high consequence area (HCA), and set priorities for inspecting, operating, and maintaining the pipeline based on whether people, property, or the environment might be at risk should a pipeline failure occur. According to PHMSA, pipeline segments that could affect an HCA represent about 44 percent of the total hazardous liquid pipeline mileage in the United States.

Witnesses testified that pipeline operators should conduct such integrity management assessments on pipelines outside of HCAs and that PHMSA should require more comprehensive information from pipeline operators on what defects were identified, the cause of those defects, and the repairs that were made in order to get a better understanding of the condition of our nation’s pipeline infrastructure. The hearing also focused on recent failures at Alyeska and potential problems with recent management decisions which may impact Alyeska’s integrity management programs.

PIPELINE SAFETY PUBLIC AWARENESS AND EDUCATION

On July 18, 2010, the Subcommittee held a hearing on the public awareness and education programs of pipeline operators.
The Pipeline Safety Improvement Act of 2002 (P.L. 107–355) requires each owner or operator of a gas or hazardous liquid pipeline facility to carry out a continuing program to educate the public on possible hazards associated with unintentional releases from a pipeline facility, the physical indications that such a release may have occurred, what steps should be taken for public safety in the event of a pipeline release, and how to report such an event. The program also must educate the public on the use of a one-call notification system prior to excavation and other damage prevention activities.

Witnesses testified on potential improvements to existing public awareness and education programs, including evaluation of pipeline programs by Federal regulators, pipeline operators’ self-evaluation of the effectiveness of their public education programs, the needs to increase technical assistance grants to communities and improve the national pipeline mapping system, and to make available free of charge industry-developed standards that are referenced in pipeline safety regulations to enable local communities to understand Federal requirements.

The Subcommittee also held a Members’ roundtable discussion on high-speed rail and opportunities for creating a domestic manufacturing base for developing high-speed and intercity passenger rail and creating jobs in the United States.
SUMMARY OF ACTIVITIES FOR
THE SUBCOMMITTEE ON WATER RESOURCES AND ENVIRONMENT

During the 111th Congress, the Subcommittee on Water Resources and Environment, chaired by Representative Eddie Bernice Johnson, with Representative John Boozman serving as Ranking Member, held 20 hearings (136 witnesses and approximately 47 hours) and two Members’ roundtables, covering the breadth of issues within the jurisdiction of the Subcommittee.

The Committee on Transportation and Infrastructure developed major legislation, H.R. 1262, the “Water Quality Investment Act of 2009”, to reauthorize increased appropriations for the Clean Water State Revolving Fund (Clean Water SRF), the principal Federal program for the construction of wastewater infrastructure, to provide communities with increased flexibility in the use and repayment of Clean Water SRF funding to allow communities to meet ever growing local water quality needs, and to restore the application of prevailing wage requirements to the program. H.R. 1262 also reauthorizes funding for the U.S. Environmental Protection Agency’s (EPA) combined and sanitary sewer overflow grant program and alternative water source program, reauthorizes increased appropriations for the EPA's Great Lakes Legacy Act, and authorizes a sewer overflow right-to-know program that requires sewer owners to provide notice to communities in the event of a sewer overflow. On March 12, 2009, the House passed H.R. 1262.

In addition, the Committee developed legislation, contained in Title VII of H.R. 3534, the “Oil Spill Accountability and Environmental Protection Act of 2010”, to make several critical reforms to the Federal Water Pollution Control Act (Clean Water Act) and the Oil Pollution Act of 1990 in response to the Deepwater Horizon oil spill disaster. First, this legislation increases the limitations of liability for offshore facilities, such as the Deepwater Horizon, and vessels as well as the level of financial responsibility or insurance coverage (through a certificate of financial responsibility or COFR) to more appropriately address the potential impacts of a release of oil or hazardous substances. In addition, Title VII of H.R. 3534 requires the owners or operators of facilities and vessels to have adequate oil spill response plans, and requires additional transparency, inspection, and enforcement of such response plans to limit the potential impacts of a release. The legislation also amends the process for review and approval of oil spill dispersants, chemicals, or other spill mitigating devices to require additional transparency and testing on the toxicity, effectiveness, and potential human health or environmental impacts of such products before they can be listed for use in response to an oil spill. Finally, the legislation repeals the Clean Water Act exemption from the
stormwater permitting requirement for construction of oil and gas exploration and production sites. On July 30, 2010, the House passed H.R. 3534.

The Committee also developed legislation, contained in Title III of H.R. 2868, the “Wastewater Treatment Works Security Act of 2009”, to enhance the security and safety of the nation’s wastewater treatment facilities. Title III of H.R. 2868 ensures that all large- and medium-sized wastewater treatment facilities (e.g., facilities that treat at least 2.5 million gallons of sewage per day) perform a nationally-consistent, threshold security assessment, and take proactive steps to reduce their overall vulnerability. For those facilities that possess sufficient quantities of potentially-dangerous chemicals, this legislation requires an assessment of whether “inherently safer technologies” can be implemented to reduce the overall risk posed by the facility, while enabling the facility to continue meeting its water quality obligations under the Clean Water Act. Finally, Title III of H.R. 2868 authorizes appropriations for grants to publicly owned treatment works to carry out vulnerability assessments, site security and emergency response plans, and to implement measures to improve the overall security of the wastewater treatment facilities, as well as provide emergency response training to first responders and firefighters who may be called upon in the event of a terrorist act. On November 6, 2009, the House passed H.R. 2868.

Finally, the Committee developed several bills to modify existing Clean Water Act authorities to enhance Federal, state, and local efforts to improve water quality and environment, to strengthen the protection of public health, and to provide additional Federal resources for and accountability in restoring and maintaining the nation’s water-related resources. H.R. 2093, the “Clean Coastal Environmental and Public Health Act of 2009”, provides additional resources to state and local governments for the monitoring and assessment of coastal recreational waters, and requires that communities adopt a rapid-testing methodology for testing coastal water quality to ensure that the public is provided immediate notification of potential threats to human health from contaminated recreational waters. On July 29, 2009, the House passed H.R. 2093. H.R. 4715, the “National Estuaries Program Reauthorization Act of 2010”, reauthorizes increased funding for the Environmental Protection Agency’s National Estuary Program (“NEP”), as well as requires increased accountability of Federal resources used for the restoration of the nation’s estuarine areas. On April 15, 2010, the House passed H.R. 4715.

The following bills and resolutions were enacted in the 111th Congress:

• Public Law 111–9, to amend the Federal Water Pollution Control Act to clarify Federal responsibility for stormwater pollution,
• Public Law 111–215, to modify the date on which the Administrator of the Environmental Protection Agency and applicable States may require permits for discharges from certain vessels,
• Public Law 111–315, to amend the Water Resources and Development Act of 2000 to extend and modify the program al-
lowing the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the evaluation of permits, and for other purposes,

- Public Law 111–120, to extend through December 31, 2010, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits,
- H. Res. 465, recognizing the Atlantic Intracoastal Waterway Association on the occasion of its 10th anniversary, and for other purposes,
- H. Res. 1639, recognizing the contributions of the National Waterways Conference on the occasion of its 50th anniversary, and for other purposes, and
- 10 U.S. Army Corps of Engineers Survey resolutions.

Other bills that passed the House include:

- H.R. 1262, the “Water Quality Investment Act of 2009”,
- H.R. 2868, Title III, the “Wastewater Treatment Works Security Act of 2009”,
- H.R. 2093, the “Clean Coastal Environmental and Public Health Act of 2009”,
- H.R. 4715, the “National Estuaries Program Reauthorization Act of 2010”,
- H.R. 3650, the “Harmful Algal Blooms and Hypoxia Research and Control Amendments of 2009”,
- H.R. 5282, to provide funds to the Army Corps of Engineers to hire veterans and members of the Armed Forces to assist the Corps with curation and historic preservation activities, and for other purposes,
- H.R. 1053, the “Chesapeake Bay Accountability and Recovery Act of 2009”,
- H.R. 5545, to deauthorize a portion of the project for navigation, Potomac River, Washington, Channel, District of Columbia, under the jurisdiction of the Corps of Engineers, and
- H.R. 1854, to amend the Water Resources Development Act of 1992 to modify and environmental infrastructure project for Big Bear Lake, California.

**Public Laws and Resolutions**

**To Amend the Federal Water Pollution Control Act To Clarify Federal Responsibility for Stormwater Pollution**

Public Law 111–

(S. 3481)

January 2011

This legislation amends section 313 of the Federal Water Pollution Control Act (Clean Water Act) to clarify that reasonable service charges for addressing pollution from Federal facilities include reasonable and nondiscriminatory fees, charges, or assessments that are based on the proportion of stormwater emanating from the facility and used to pay (or reimburse) costs associated with any stormwater management program.
TO MODIFY THE DATE ON WHICH THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY AND APPLICABLE STATES MAY REQUIRE PERMITS FOR DISCHARGES FROM CERTAIN VESSELS

Public Law 111–215
(S. 3372)
(See also H.R. 5301)

July 30, 2010

This law extends the period during which the Administrator of the Environmental Protection Agency (EPA) and States are prohibited from requiring a permit under section 402 of the Clean Water Act for discharges that are incidental to the normal operation of certain commercial vessels. In July 2008, Congress enacted P.L. 110–299, a two-year moratorium of requirements that an owner or an operator of a fishing vessel or a vessel less than 79 feet in length must obtain a Clean Water Act permit for discharges incidental to the normal operation of such vessel. P.L. 110–299 also required that the EPA and the United States Coast Guard jointly conduct a study on the impacts of such discharges on water quality. The results of this study would guide the EPA in developing a permitting program for these discharges. The two-year moratorium expired on July 31, 2010. While initial study results showed that the effects of such discharges are not benign, EPA was continuing to evaluate the results of the study, and was not in a position to develop and issue guidelines to properly address such discharges. S. 3372 extends the permitting moratorium through December 18, 2013.

TO AMEND THE WATER RESOURCES DEVELOPMENT ACT OF 2000 TO EXTEND AND MODIFY THE PROGRAM ALLOWING THE SECRETARY OF THE ARMY TO ACCEPT AND EXPEND FUNDS CONTRIBUTED BY NON-FEDERAL PUBLIC ENTITIES TO EXPEDITE THE EVALUATION OF PERMITS, AND FOR OTHER PURPOSES

Public Law 111–315
(H.R. 6184)

December 18, 2010

The law amends section 214 of the Water Resources Development Act of 2000 to extend the authority of the Secretary of the Army to accept funds from non-Federal public entities for the consideration of permits under the Clean Water Act and the Rivers and Harbors Appropriation Act of 1899 through December 31, 2016. This authority was set to expire on December 31, 2010. In addition, this law amends the permit review authority of section 214 to reduce the potential “conflict of interests” inherent in the program by: (1) clarifying that the authority can only be used by a public entity to review permits related to projects or activities for a public purpose; (2) requiring a formal, higher-order review of permits considered under this authority; and (3) ensuring that in-
formation on individual permits reviewed under the 214 authority be made publicly available, including on the Internet.

**TO EXTEND THROUGH DECEMBER 31, 2010, THE AUTHORITY OF THE SECRETARY OF THE ARMY TO ACCEPT AND EXPEND FUNDS CONTRIBUTED BY NON-FEDERAL PUBLIC ENTITIES TO EXPEDITE THE PROCESSING OF PERMITS**

Public Law 111–120

(H.R. 4165)

December 22, 2009

This law extends through December 31, 2010, the authority of the Secretary of the Army to accept funds from non-Federal public entities for the consideration of permits under the Federal Water Pollution Control Act (Clean Water Act) and the Rivers and Harbor Act of 1899. This authority, enacted as section 214 of the Water Resources Development Act of 2000, was set to expire on December 31, 2009.

**RECOGNIZING THE ATLANTIC INTRACOASTAL WATERWAY ASSOCIATION ON THE OCCASION OF ITS 10TH ANNIVERSARY, AND FOR OTHER PURPOSES**

(H. Res. 465)

October 14, 2009

H. Res. 465 recognizes the importance of the Atlantic Intracoastal Waterway and commends the Atlantic Intracoastal Waterway Association on the occasion of its 10th anniversary.

**RECOGNIZING THE CONTRIBUTIONS OF THE NATIONAL WATERWAYS CONFERENCE ON THE OCCASION OF ITS 50TH ANNIVERSARY, AND FOR OTHER PURPOSES**

H. Res. 1639)

September 28, 2010

H. Res. 1639 recognizes the value of the U.S. Army Corps of Engineers and its civil works mission to the economic prosperity and sustainable environmental health of the nation; recognizes the contributions of the National Waterways Conference on the formulation of the nation’s water resources-related policies and programs for the Corps’ civil works mission and its advocacy for continued and increased investment in meeting the water resources needs of the nation; and commends the National Waterways Conference on the occasion of its 50th anniversary.
Other Legislation

The Water Resources Development Act of 2010
(H.R. 5892)

Reported Favorably to the House on September 29, 2010

H.R. 5892, as amended, includes project authorizations, modifications, deauthorizations, studies, and policy initiatives for the Army Corps of Engineers’ (Corps) Civil Works Program—the nation’s largest water resources program. The bill authorizes and directs the Corps to carry out various studies, projects, and programmatic authorities relating to navigation, flood damage reduction, shoreline protection, water supply, recreation, environmental restoration and protection, and other water-related activities.

H.R. 5892 also includes important policy provisions that address concerns with the Corps’ existing study, design, review, and mitigation processes, including implementation of provisions enacted as part of the Water Resources Development Act of 2007. This legislation includes technical changes to the Corps’ programmatic authorities, including: clarifying the intent of Congress related to the Corps’ crediting authority; increasing the transparency of independent reviews; and improving the effectiveness of mitigation that addresses impacts from Corps’ projects on the natural environment. Finally, H.R. 5892, creates a mechanism for increased expenditures from the Harbor Maintenance Trust Fund to ensure that annual revenues collected are utilized to meet the Nation’s navigation maintenance dredging needs; authorizes the Corps to work with local communities in the assessment and evaluation of local flood control structures, including levees; and directs the Corps to provide additional information to Congress on the estimated costs of recommended projects.

Water Quality Investment Act of 2009
(H.R. 1262)

Passed the House on March 12, 2009

H.R. 1262, the “Water Quality Investment Act of 2009”, amends the Federal Water Pollution Control Act to reauthorize appropriations for capitalization grants to States for state water pollution control revolving funds; to reauthorize appropriations for the EPA to provide grants for alternative water source projects to meet critical water supply needs; to reauthorize appropriations for grants to municipalities and States to control combined sewer overflows and sanitary sewer overflows; to provide a uniform, national standard for monitoring, reporting, and public notification of municipal combined sewer overflows and sanitary sewer overflows; and to reauthorize and increase appropriations for projects to remediate contaminated sediment in the Great Lakes areas of concern. H.R. 1262 also restores the application of prevailing wage requirements (Davis-Bacon), and requires all construction projects utilizing clean water state revolving funds to pay contractors the prevailing local wage, as determined by the Department of Labor.
WASTEWATER TREATMENT WORKS SECURITY ACT OF 2009
(H.R. 2868, Title III)
(See also H.R. 2883)

Passed the House on November 6, 2009

The “Wastewater Treatment Works Security Act of 2009”, which is Title III of H.R. 2868, the “Chemical and Water Security Act of 2009”, amends the Federal Water Pollution Control Act to enhance the security of operations at wastewater treatment works (i.e., sewage treatment facilities) from intentional acts that may substantially disrupt the ability of the facility to safely and reliably operate, or that may have a substantial adverse impact on critical infrastructure, public health or safety, or the environment. This legislation authorizes $1 billion over five years in Federal resources to enhance the security of public sewage treatment facilities, and requires development of risk-based vulnerability assessments, site security plans, and emergency response plans for treatment works that treat at least 2.5 million gallons per day (estimated by EPA to be a facility that serves a population of 25,000 or greater). For certain high-risk wastewater treatment facilities, H.R. 2868 also requires the assessment and implementation of methods to reduce the consequence of a chemical release from an intentional act (i.e., inherently safer technologies).

CLEAN COASTAL ENVIRONMENT AND PUBLIC HEALTH ACT OF 2009
(H.R. 2093)

Passed the House on July 29, 2009

H.R. 2093, the “Clean Coastal Environment and Public Health Act of 2009”, amends the Federal Water Pollution Control Act to reauthorize appropriations for the Beaches Environmental Assessment and Coastal Health Act (BEACH Act) through FY 2014; to codify a definitive timeline for the development, testing, and utilization of rapid testing methods for detecting the contamination of coastal recreation waters; to establish a non-discretionary duty for the Administrator of the EPA to continuously review and revise rapid testing methods where such methods make accurate water quality sampling results available in less time (with a goal of two hour testing by 2017); and to make programmatic changes to State and local coastal recreation water quality monitoring and notification programs.

CLEAN ESTUARIES ACT OF 2010
(H.R. 4715)
(See also H.R. 5301)

Passed the House on April 15, 2010

H.R. 4715, the “Clean Estuaries Act of 2010”, amends section 320 of the Federal Water Pollution Control Act to reauthorize appro-
appropriations for the National Estuary Program through FY 2016, and makes programmatic changes. The legislation provides a framework for the grant funding of estuary programs to protect and restore estuarine resources. H.R. 4715 requires that estuary programs funded through the program adopt new accountability requirements, as well as provides for new requirements that must be addressed by each program’s comprehensive conservation and management plan. The legislation also includes additional requirements for the periodic review and approval of each program and management plan by the EPA. H.R. 4715 also requires increased federal agency coordination, pursuant to the goals of approved estuary management plans. The legislation increases the authorization of appropriations to $50 million per year, for FY 2011 through FY 2016, and also requires that each approved estuary program receives grants of no less than $1.25 million per year.

On July 20, 2010, the House passed H.R. 5301, which incorporated H.R. 4715 as Title II of the bill.

HARMFUL ALGAL BLOOMS AND HYPOXIA RESEARCH AND CONTROL AMENDMENTS ACT OF 2010

(H.R. 3650)

Passed the House on March, 12 2010

H.R. 3650, the “Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2010,” amends the Harmful Algal Blooms and Hypoxia Research and Control Act of 1998 (P.L. 105–383.). The legislation establishes a Harmful Algal Blooms and Hypoxia Research Program (the Program) to develop and coordinate a comprehensive and integrated strategy to address harmful algal blooms and hypoxia in marine and freshwater bodies. The Program would be established by the National Oceanic and Atmospheric Administration (NOAA), and carried out through the existing Inter-Agency Task Force on Harmful Algal Blooms and Hypoxia (established by section 603 of P.L. 105–383). This Program also provides for the development and implementation of regional action plans to reduce the incidence of harmful algal blooms and hypoxia. Each of these plans would include regional research priorities, methods for reducing the intensity of hypoxia and harmful algal blooms, and the roles that Federal agencies should play in implementing the plans, among other elements. NOAA and the EPA would jointly carry out the duties of the freshwater elements of the Program. H.R. 3650 authorizes appropriations of $41 million for each of FYs 2011 through FY 2015, including $7 million annually for the activities of the EPA.
TO PROVIDE FUNDS TO THE ARMY CORPS OF ENGINEERS TO HIRE VETERANS AND MEMBERS OF THE ARMED FORCES TO ASSIST THE CORPS WITH CURATION AND HISTORIC PRESERVATION ACTIVITIES, AND FOR OTHER PURPOSES

(H.R. 5282)

Passed the House on September 15, 2010

H.R. 5282 authorizes the Army Corps of Engineers’ (Corps) Veterans Curation Program, and allows the Corps to hire veterans and members of the Armed Forces to assist the Corps with curation and historic preservation activities. Curation is defined as the long-term, professional management and care of all objects, materials, and records recovered as the result of a Federal or non-Federal archeological undertaking. As part of the Federal Government’s effort to protect and preserve the nation’s cultural and archeological resources, Federal regulations (notably 36 CFR part 79) require Federal agencies to provide curatorial services to manage and preserve collections according to professional museum and archival practices.

In 2009, the Corps allocated $29.7 million from the American Recovery and Reinvestment Act (P.L. 111–5) (Recovery Act) to open three Veterans Curation Project (VCP) laboratories throughout the nation. The locations of these laboratories are: (1) Augusta, Georgia; (2) Washington, D.C.; and (3) St. Louis, Missouri (at the Mandatory Center of Expertise for the Curation and Management of Archaeological Collections (MCX-CMAC)). The purpose of these laboratories is to carry out the Corps’ curation responsibilities, including cataloging, scanning, and photographing records and artifacts, while utilizing and training a workforce of disabled or wounded veterans, or veterans who have recently-returned from overseas (including tours in Iraq and Afghanistan). The VCP program seeks to impart skills in computer databases, digital scanning, digital image capture, and writing skills to the veterans while improving the Corps’ management of its heritage assets. According to the U.S. Army, the technical skills learned by veterans at the laboratories will be transferrable to jobs outside the laboratories, including forensic technicians and records management.

H.R. 5282 provides a total authorization of appropriations of $35 million for FY 2011 through FY 2015.

CHESAPEAKE BAY ACCOUNTABILITY AND RECOVERY ACT OF 2009

(H.R. 1053)

Passed the House on September 30, 2009

H.R. 1053, the “Chesapeake Bay Accountability and Recovery Act of 2009”, directs the Director of the Office of Management and Budget to annually prepare a financial report containing an inter-agency crosscut budget for Federal agency activities related to the restoration of the Chesapeake Bay. In addition, this legislation requires the Administrator of the EPA to develop an adaptive management plan for its Chesapeake Bay Program and restoration activities. Finally, H.R. 1053 directs the Administrator of EPA to ap-
point an Independent Evaluator to review and report on Chesapeake Bay restoration activities and the use of adaptive management. The Independent Evaluator is required to submit a report to Congress every three years, detailing findings and recommendations of the evaluation.

TO DEAUTHORIZE A PORTION OF THE PROJECT FOR NAVIGATION, POTOMAC RIVER, WASHINGTON CHANNEL, DISTRICT OF COLUMBIA, UNDER THE JURISDICTION OF THE CORPS OF ENGINEERS

(H.R. 5545)

Passed the House on July 20, 2010

H.R. 5545 deauthorizes a designated portion of the Federal project for navigation, Potomac River, Washington Channel, District of Columbia. The project for navigation, Potomac River, north side of Washington Channel, District of Columbia, was initially authorized by the River and Harbor Improvement Act, dated August 30, 1935 (chapter 831; 49 Stat. 1028). H.R. 5545 deauthorizes one-half of the Federal navigation project width of the Washington Channel. The channel deauthorization runs from the northern limit of the Federal navigation project to just south of the Marine Police pier.

TO AMEND THE WATER RESOURCES DEVELOPMENT ACT OF 1992 TO MODIFY AN ENVIRONMENTAL INFRASTRUCTURE PROJECT FOR BIG BEAR LAKE, CALIFORNIA

(H.R. 1854)

Passed the House on December 8, 2009

H.R. 1854 amends section 219(f)(84) of the Water Resources Development Act of 1992 to modify an environmental infrastructure project for Big Bear Lake, California, originally authorized in the Water Resources Development Act of 2007 (P.L. 110–114). Specifically, this legislation would modify the project purpose from wastewater treatment to water supply infrastructure, and reduce the authorization of appropriations from $15 million to $9 million to reflect the change in use for the project.

RESOLUTION OF INQUIRY REQUESTING THE PRESIDENT TO TRANSMIT TO THE HOUSE OF REPRESENTATIVES COPIES OF CERTAIN DOCUMENTS IN THE POSSESSION OF THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

(H. Res. 995)

Reported to the House as amended without Recommendation on January 29, 2010

H. Res. 995 is a resolution of inquiry that, pursuant to clause 7 of rule XIII of the Rules of the House, directs the Committee to act on the resolution within 14 legislative days, or a privileged motion to discharge the Committee is in order. Under the rules and prece-
dents of the House, a resolution of inquiry is a means by which the House requests information from the Executive Branch.

The central focus of H. Res. 995 related to the establishment of a permissible Clean Water Act discharge standard for phosphorous for the planned Northwest Arkansas Conservation Authority (NACA) regional wastewater treatment facility, proposed for Benton County, Arkansas. In the view of the Committee, the Environmental Protection Agency had provided sufficient information to Representative John Boozman with respect to his information requests, including publicly committing to brief the Representative on any data, modeling, and any other questions related to this determination at a time convenient to the Representative, thereby making the resolution of inquiry unnecessary.

**Hearings**

**SUSTAINABLE WASTEWATER INFRASTRUCTURE**

On February 4, 2009, the Subcommittee held a hearing to receive testimony on sustainable wastewater infrastructure. The Subcommittee received testimony from representatives of EPA, the Lawrence Berkeley National Laboratory, the Water Environment Federation, and other stakeholder organizations.

This hearing highlighted the current energy consumption demands for water and wastewater treatment in the United States—estimated by witnesses as consuming approximately four percent of the nation’s total annual electrical needs. The U.S. wastewater industry, alone, is estimated to consume approximately one percent of the nation’s annual electricity sales.

The hearing also highlighted the availability and use of various technologies and approaches for promoting sustainable infrastructure in wastewater treatment facilities, specifically in the areas of water conservation and reuse, and energy efficiency. The concept of sustainable water infrastructure can apply to a number of areas, including the efficient use of water and energy, efforts at promoting water conservation, and the development and utilization of more effective stormwater mitigation projects and techniques. With respect to energy efficiencies, witnesses testified how existing technologies, such as digester gas fuel cells, micro-hydro turbines, solar photovoltaic systems, and on-site small wind turbines, can be incorporated into wastewater treatment facility systems to realize significant energy efficiency gains, often at minimal capital costs. Depending on the type of system and technologies included, witnesses noted the possibility that wastewater treatment facilities can achieve complete energy independence. With respect to water efficiency, the use of sustainable planning, design, and construction projects, such as low-impact development techniques and technologies or decentralized wastewater treatment systems, can result in lower adverse impacts on water quality and watersheds and often at a reduced long-term cost. In addition, witnesses noted that the use of such approaches can often address immediate water quality concerns, such as stormwater runoff, in conjunction with a number of other benefits, such as improved air quality, mitigation of urban heat island effects, energy savings, and increased property
values from aesthetic improvements (e.g., the planting of trees and rain gardens for evapotranspiration).

**Efforts To Address Urban Stormwater Runoff**

On March 19, 2009, the Subcommittee held a hearing to receive testimony on efforts to address urban stormwater runoff. The Subcommittee received testimony from representatives of the National Research Council; EPA; the cities of Dallas, Texas; Kansas City, Missouri; Milwaukee, Wisconsin; Philadelphia, Pennsylvania; Portland, Oregon; and other stakeholders.

The purpose of the hearing was to gather information on the utility of green infrastructure and low-impact development technologies and approaches in addressing urban stormwater runoff, as well as identify any barriers to implementing these technologies and approaches. Several witnesses noted that the expanded use of impervious surfaces through urbanization has significant adverse impacts on the manner in which water moves both above and below ground during and after wet weather events. For example, the movement of great volumes of stormwater through combined and sanitary sewer systems has resulted in greater numbers of sewer overflows, which have had a demonstrable adverse impact on the nation's water quality. Discharges of pollutants from engineered conveyances, such as gutters, pipes, and concrete canals are regulated under the Clean Water Act. A “green infrastructure” or low-impact development (LID) approach for stormwater mitigation is premised on the notion that the volume of stormwater can be reduced before entering into sewage conveyance systems. Various green infrastructure methods include green roofs, permeable pavement, curb cut-outs, rain swales and gardens, increased tree cover, as well as green space and buffer zones.

Witnesses highlighted the importance of the set-aside for green infrastructure in the American Recovery and Reinvestment Act (Recovery Act) (P.L. 111–5), with the EPA witness testifying that the set-aside “provides an outstanding opportunity to accelerate the integration of green infrastructure into [the] stormwater management programs.” Witnesses also highlighted the potential cost-savings for improving water quality that can be achieved by utilizing green infrastructure, including low-impact development techniques and technologies.

**The Tennessee Valley Authority’s Kingston Ash Slide: Potential Water Quality Impacts of Coal Combustion Waste Storage**

On March 31, 2009, the Subcommittee held a hearing to receive testimony on the Tennessee Valley Authority’s Kingston ash slide and the potential water quality impact of coal combustion waste storage. The Subcommittee received testimony from representatives of the Tennessee Valley Authority (TVA), EPA, the Tennessee Department of Environment and Conservation, Duke University, and other interested parties.

The hearing investigated the potential causes, response, and cleanup of the coal ash spill at the TVA’s Kingston (Tennessee) Fossil Plant, and uncovered information on potential water quality...
implications from the ash spill. On December 22, 2008, a retaining wall failed at a coal ash retention pond at the Kingston Fossil Plant, resulting in the release of 5.4 million cubic yards of ash and 327 million gallons of water onto adjacent land and into the nearby Clinch and Emory Rivers. Multiple state, local and Federal agencies were involved in the clean-up effort, including EPA, the Tennessee Department of Health, the Tennessee Wildlife Resources Agency, and representatives from Roane County, Tennessee. EPA considered the spill to be an unpermitted discharge of a pollutant under the Clean Water Act. The ash spill was determined to have a number of threatening implications, including a potential to harm human health at certain exposure levels, contamination of private drinking water wells, and a negative impact on the rivers' aquatic ecosystem. The Tennessee Wildlife Resources Agency advised that fishing be avoided in the lower Emory River, although the Tennessee Department of Health determined that there should be no adverse health effects from occasionally ingesting the ash.

**Coal Combustion Waste Storage and Water Quality**

On April 30, 2009, the Subcommittee held on hearing on coal combustion waste storage and water quality. The Subcommittee received testimony from representatives of EPA, the Maryland Department of Environmental Quality, academia, and other interested parties.

The hearing clarified the relationship between water quality and the storage and disposal of coal combustion waste (CCW). CCW consists of a variety of residues that remain after coal has been burned, such as coarse particles that settle to the bottom of the power plant's combustion chamber, as well as fine particles that are removed from the flue gas. CCW is subject to regulation (at the time of the hearing) by States as a non-hazardous substance under the Resource Conservation and Recovery Act (RCRA). The Federal role in CCW storage and disposal is primarily through Clean Water Act permitting requirements in those instances where there is a discharge of pollutants to a waterbody from a CCW storage or disposal facility. Currently, CCW is stored in approximately 1,200 locations across the United States, including landfills, storage ponds, and surface impoundments. More than one-half of these sites (620) remain in active use, with the remainder being closed or currently unused. Studies from EPA have concluded that CCW should not be stored or used in environments where it will come into contact with water (surface or groundwater).

One additional management tool for CCW is to recycle the waste into other products, such as Portland cement and flue gas desulfurization residues. This recycling into other products is referred to as “beneficial reuse”. Several witnesses at the hearing discussed the safety and economic value of beneficial uses for CCW. Witnesses also stressed the importance of tracking potentially harmful byproducts from the use of coal, and ensuring that such byproducts, which may be reduced from air emissions due to regulation under the Clean Air Act, are not otherwise released into the environment through under-regulated discharges of wastewater under the Clean Water Act.
RECOMMENDATION OF THE NATIONAL COMMITTEE ON LEVEE SAFETY

On May 19, 2009, the Subcommittee held a hearing to receive testimony on the recommendations of the National Committee on Levee Safety. The Subcommittee received testimony from representatives of the U.S. Army Corps of Engineers (Corps), state and local governments, and stakeholders.

The purpose of the hearing was to receive a report on the status of the nation’s levees and develop recommendations for the creation of a national levee safety program, as outlined in the Water Resources Development Act (WRDA) of 2007. The Corps’ levee safety program listed 114 levees at the time of the hearing that had received an unacceptable rating from routine maintenance inspections conducted since February 1, 2007. An unacceptable rating means that a levee has one or more deficient conditions that may prevent it from functioning as designed, intended, or required. If the levee is not brought into compliance within one year, the non-federal levee sponsor is not eligible for Federal repair funds following a flood event.

The Subcommittee received 20 recommendations for the creation of a National Levee Safety Program, in the following three categories: leadership in the form of a National Levee Safety Commission, the creation of strong levee safety programs in all states, and an increase in efficiency of existing federal programs, such as the Federal Emergency Management Agency’s (FEMA’s) Mapping Program and Community Rating System.

Witness testimony generally supported the recommendations of the National Committee’s report. Witnesses also testified that a comprehensive program needs to be developed that goes beyond just levee safety and captures a broader flood risk management approach to areas behind levees. Witnesses also commented on the need to complete the ongoing Federal levee survey, and expand the survey to capture non-federal levees as well.

AGENCY BUDGETS AND PRIORITIES FOR FISCAL YEAR 2010

On June 3, 2009, the Subcommittee held a hearing to receive testimony on the President’s Fiscal Year 2010 Budget request for programs within the jurisdiction of the Subcommittee. The Subcommittee received testimony from representatives of EPA, the U.S. Department of Agriculture’s Natural Resources Conservation Service (NRCS), the National Oceanic and Atmospheric Administration (NOAA), the Saint Lawrence Seaway Development Corporation (SLSDC), and TVA.

AGENCY BUDGETS AND PRIORITIES FOR FISCAL YEAR 2010, PART 2

On June 16, 2009, the Subcommittee held a second hearing to receive testimony on the President’s Fiscal Year 2010 Budget request for programs within the jurisdiction of the Subcommittee. The Subcommittee received testimony from representatives of the Corps, the United States Sector of the International Boundary and Water Commission (USIBWC), and the Agency for the Toxic Substances and Disease Registry (ATSDR) at the Centers for Disease Control and Prevention.
OPPORTUNITIES AND CHALLENGES IN THE CREATION OF A CLEAN WATER TRUST FUND

On July 15, 2009, the Subcommittee held a hearing to receive testimony on creation of a Clean Water Trust Fund. The Subcommittee received testimony from Members of Congress, a representative of the Government Accountability Office (GAO), representatives of State and local governments, and other stakeholders.

The hearing explored issues related to the creation of a dedicated, revenue-neutral trust fund to finance wastewater infrastructure projects and improve water quality under the Clean Water Act. Over the decades, investment in wastewater infrastructure has provided significant environmental, public health, and economic benefits to the nation. Yet, recent studies from EPA and others have noted that without increased investment in wastewater infrastructure, the United States could lose much of the gains it has made in improving water quality as a result of the 1972 Clean Water Act. The Congressional Budget Office (CBO) and other stakeholders each have estimated that as much as twice the current level of investment is needed by Federal, state, and local governments to address this shortfall. EPA is examining how improved technologies and innovative financing options might help close the gap between projected needs and current expenditures.

Several witnesses at the hearing suggested that, even with increased appropriations for the Clean Water State Revolving Fund, additional resources would still be necessary to address the growing wastewater infrastructure needs. Several witnesses suggested that the creation of a national trust fund would provide a long-term federal contribution to protecting water resources, allow for uniform progress toward the country’s water quality goals, and provide greater predictability to state and local governments on the availability of water quality funding.

THE TENNESSEE VALLEY AUTHORITY’S KINGSTON ASH SLIDE: EVALUATION OF POTENTIAL CAUSES AND UPDATES ON CLEANUP EFFORTS

On July 28, 2009, the Subcommittee held a hearing to receive testimony on potential causes and cleanup efforts of TVA’s Kingston ash slide. The Subcommittee received testimony from representatives of EPA, TVA, the TVA Office of Inspector General (TVA IG), and engineering firms.

The hearing served to provide an update on TVA’s Kingston ash slide cleanup efforts, as well as analyses of the root cause of the Kingston surface impoundment collapse. On December 22, 2008, a retaining wall surrounding TVA’s Kingston Fossil Plant coal ash retention pond collapsed, releasing 5.4 million cubic yards of ash and 327 million gallons of water onto adjacent land and into the Clinch and Emory Rivers. According to an engineering firm hired by TVA, the impoundment wall failure was caused by the combination of four distinct factors, including concerns with initial construction of the coal ash impoundment, as well as concerns with TVA’s ongoing storage and disposal practices for ash within the storage cells. A law firm, which was hired by TVA to advise the
TVA Board of Directors on its legal duties and potential litigation exposure, provided a report that outlines the circumstances surrounding the spill, and recommended improvements on TVA's governance, systems, and controls to reduce the likelihood of similar or other harmful incidents.

Testimony from the witnesses and discussion among the Members and witnesses focused on the need for adequate regulation to prevent a spill like Kingston from happening in the future, as well as the fact that poor oversight and management of the coal ash facility by TVA contributed to the spill. In addition, witnesses testified on the potential short- and long-term human health effects of the spill.

REAUTHORIZATION OF THE CHESAPEAKE BAY PROGRAM

On September 22, 2009, the Subcommittee held a hearing to receive testimony on reauthorization of the Chesapeake Bay program. The Subcommittee received testimony from representatives of EPA, the States of Maryland, Pennsylvania, and Virginia, the University of Maryland, and other stakeholders.

The Chesapeake Bay is the largest of the nation's estuaries; its watershed covers 64,000 square miles and GAO estimates that the population of the watershed will reach 18 million by 2020. The Bay ecosystem (including its water quality) has been under stress due to sustained and excessive levels of pollution. Sources of this pollution include agricultural runoff, wastewater treatment facilities, new land development, and emissions from vehicles and power plants. According to EPA, the key to restoring water quality in the Bay watershed is to achieve significant reductions in nitrogen, phosphorus, and sediment loads. According to information provided by EPA, approximately 60 percent of the total nitrogen load, 65 percent of the total phosphorus load, and 96 percent of the total sediment load to the Chesapeake Bay is not subject to Federal regulation, including the Clean Water Act. Significant reductions in each of these pollutant loads are necessary to have the Chesapeake Bay meet water quality standards.

In the 1990s, the States of Pennsylvania, Virginia, West Virginia, and Delaware each entered into a judicial consent decree with EPA to establish and have approved a total maximum daily load (TMDL) for all impaired waters (listed on a State’s 303(d) list) under the authority of the respective states by May 1, 2011. This timeline was approved by the other principal members of the Chesapeake Bay watershed, together with an agreement that EPA would establish the draft TMDL for Chesapeake Bay by December 2010, and that each of the respective Bay States would develop and submit to EPA watershed implementation plans for the TMDL.

The EPA’s Chesapeake Bay Program, authorized by the Clean Water Act, is a partnership that directs and conducts the restoration of the Bay. The most recent Bay Agreement is Chesapeake 2000, in which the Bay State partners agreed to improve water quality in the Bay and its tributaries to the point that these waters would be removed from EPA’s impaired waters list by 2010. The Bay Program’s Chesapeake Action Plan was released in July 2008, and its goal was to improve and accelerate the coordination, integration, and implementation of efforts to protect and restore the...
Bay. President Barack Obama issued an Executive Order on May 12, 2009, which directed the Federal Government to exercise greater leadership to restore the Bay.

PROTECTING AND RESTORING AMERICA’S GREAT WATERS: THE LONG ISLAND SOUND

On October 6, 2009, the Subcommittee held a hearing to receive testimony on protecting Long Island Sound. The Subcommittee received testimony from representatives of EPA, the New York State Department of Environmental Conservation, the Connecticut Department of Environmental Protection, and other interested parties.

The Long Island Sound is under stress, primarily due to the effects of urbanization within the Long Island Sound watershed. As a result, the Sound suffers from degraded water quality, loss of habitat, and reduced fish and shellfish populations. Discharges from wastewater treatment plants are the largest source of nitrogen to the Sound, according to a Total Maximum Daily Load (TMDL) analysis completed by Connecticut and New York in 2001. Atmospheric deposition and urban runoff are other sources.

To improve the water quality of the Sound in accordance with the TMDL, Connecticut established the Nitrogen Credit Exchange program, in which municipal sewage treatment plants can trade nitrogen credits to achieve nitrogen reduction goals. Congress authorized the Long Island Sound Study under section 119 of the Clean Water Act to develop and coordinate water quality restoration efforts in the Sound. Congress has supplemented the Long Island Sound Study with two other programs: the Long Island Sound Restoration Act, which is funded at up to $40 million per year for sewage treatment system upgrades, and the Long Island Sound Stewardship Act of 2006, which supplies up to $25 million per year for land acquisition, habitat protection, and expanded public access in designated “stewardship sites”.

Testimony from the witnesses and discussion among Members and witnesses during the hearing focused on expansion of a nitrogen credit trading program to the rest of the Long Island Sound; the need for full funding of the existing Long Island Sound programs; the benefits of an expansion of the Municipal Separate Storm Sewer Systems (MS4) permitting program to improve water quality in the Sound; and the benefit of inclusion of the upstream states into the Long Island Sound TMDL.

RECOVERY ACT: PROGRESS REPORT ON WATER RESOURCES INFRASTRUCTURE INVESTMENT

On November 4, 2009, the Subcommittee held a hearing to receive testimony on the water resources infrastructure investment of the Recovery Act. The Subcommittee received testimony from EPA, the Corps, the Pennsylvania Department of Environmental Protection, the Village of Ruidoso, New Mexico, and the Pima County, Arizona Regional Wastewater Reclamation Department.

The Subcommittee explored progress to date on EPA implementation of Recovery Act projects. At the time of the hearing, EPA had committed nearly $4.6 billion for Recovery Act projects, rep-
resenting 98 percent of the total amount of Recovery Act funds allocated to EPA. However, the Subcommittee also explored the relatively slower implementation of the Clean Water SRFs by EPA and States, as well as the challenges posed by the Buy America requirements of the Recovery Act. At the time of the hearing, EPA had issued three nationwide waivers and 17 regional waivers. Members questioned whether States required more guidance on complying with Buy America requirements and whether EPA ought to publish additional waivers.

The Subcommittee also reviewed Recovery Act implementation by the Corps. The Recovery Act provided $4.6 billion to the Corps. As of September 30, 2009, the Corps had begun work on 731 Recovery Act projects all across the country, totaling more than $2.2 billion, representing nearly 50 percent of the total amount of funds allocated to the Corps.

PROPOSALS FOR A WATER RESOURCES DEVELOPMENT ACT OF 2010

On November 18, 2009, the Subcommittee held a hearing to receive testimony on proposals for a Water Resources Development Act of 2010. The Subcommittee received testimony from Members of Congress. Members of Congress testified about high priority water resource projects being requested for inclusion in a Water Resources Development Act.

THE ONE-YEAR ANNIVERSARY OF THE TENNESSEE VALLEY AUTHORITY’S KINGSTON ASH SLIDE: EVALUATING CURRENT CLEANUP PROGRESS AND ASSESSING FUTURE ENVIRONMENTAL GOALS

On December 9, 2009, the Subcommittee held a hearing on TVA’s Kingston ash slide. The Subcommittee received testimony from representatives of EPA, TVA, the TVA IG, Perry County, Alabama, and an engineering firm.

The TVA witness testified about progress being made to address both the time-critical and non-time critical removal of the coal ash released from the Kingston Fossil Fuel facility. The TVA IG witness testified about his observations on the need to “change the culture” of TVA which served as a factor in the failure of the Kingston coal ash storage pond. According to the TVA IG, “TVA has suffered from an insular culture that shuns views outside the Valley. This defensive and protectionist philosophy has produced a tunnel vision that eschews input that might have aided in changing the very culture that contributed to TVA’s current woes. That same culture resisted system-wide standards and accountability. All of this is based on an underlying philosophy that TVA’s uniqueness as a hybrid government agency exempted it from adherence to standards and uniform process.”

The engineering firm witness provided an update on its structural integrity assessment of TVA’s 24 additional coal ash/gypsum storage ponds. The firm was hired by TVA, following the Kingston spill, to assess the safety of the utility’s remaining coal ash and gypsum ponds.
Finally, witnesses testified about the long-term human health and environmental implications of moving recovered coal-ash (from the Kingston site) to a landfill in Perry County, Alabama.

ASIAN CARP AND THE GREAT LAKES

On February 9, 2010, the Subcommittee held a hearing to receive testimony on preventing the introduction of Asian Carp, an aquatic invasive species, into the Great Lakes. The Subcommittee received testimony from representatives of EPA, the Corps, the States of Illinois and Michigan, academia, and interested parties on the issue.

Testimony centered on the introduction and spread of Asian Carp into the Mississippi River and scientific evidence of its potential spread into the Great Lakes. DNA from Asian Carp indicates that some Asian Carp may be entering the lower Great Lakes. The witnesses from EPA and the Corps discussed their joint efforts to respond to the Asian Carp and to develop a long-term solution to prevent the spread of the Asian Carp beyond their current territory.

AGENCY BUDGETS AND PRIORITIES FOR FISCAL YEAR 2011

On March 4, 2010, the Subcommittee held a hearing to receive testimony on the President’s Fiscal Year 2011 Budget request for programs within the jurisdiction of the Subcommittee. The Subcommittee received testimony from EPA, the Corps, NRCS, NOAA, the SLSDC, TVA, the USIBWC, and ATSDR.

PROPOSALS FOR A WATER RESOURCES DEVELOPMENT ACT OF 2010, PART II

On April 15, 2010, the Subcommittee held a hearing to receive testimony on proposals for a Water Resources Development Act of 2010. The Subcommittee received testimony from the Corps and several interested organizations.

Testimony was presented covering project and programmatic needs that spanned the broad jurisdictional range of the Corps civil works program. All witnesses agreed about the need for Congress to consider the Water Resources Development Act of 2010 in a timely manner and to consider this legislation more regularly than the seven-year gap that preceded passage of the Water Resources Development Act of 2007. Witnesses also expressed support for the need to continue and expand public investment in infrastructure.

Witnesses also testified on the challenges facing the two waterway trust funds—the Inland Waterways Trust Fund and the Harbor Maintenance Trust Fund. Testimony discussed how the Harbor Maintenance Trust Fund collects more money than is expended on an annual basis to support harbor maintenance. Testimony was also presented about the significant shortfall in revenue facing the Inland Waterways Trust Fund, and how this shortfall could negatively impact the schedule for carrying out new and ongoing navigation construction projects on the inland system. Witnesses recommended Congressional action to address these trust fund issues.
PROTECTING AND RESTORING AMERICA’S GREAT WATERS, PART II:  
THE COLUMBIA RIVER AND SAN FRANCISCO BAY

On April 28, 2010, the Subcommittee held a hearing to receive testimony on the Columbia River and San Francisco Bay. The Subcommittee received testimony from Members of Congress, representatives of EPA, San Francisco Bay Estuary Partnership, Lower Columbia River Estuary Partnership, Columbia River Inter-Tribal Fish Commission, Oregon State Senate, Bay Area Council, Contra Costa County, and other interested parties from the Columbia River Basin and San Francisco Bay.

The hearing provided an update on the current environmental conditions of the Columbia River Basin and San Francisco Bay, as well as efforts to protect and restore both of these waterbodies. The Columbia River Basin and the San Francisco Estuary receive funding through the Clean Water Act’s National Estuary Program (NEP). The EPA rates the Lower Columbia River Estuary as fair. Its main impairments are from non-point sources, including agriculture, urban and suburban stormwater, habitat modification, and emerging contaminants, such as flame retardant residue, pharmaceuticals, and personal care products. The EPA rates the San Francisco Estuary’s overall condition as fair. The Estuary faces a number of threats because of human activity: threats to freshwater, population pressures, invasive species, and contaminants in sediments.

Testimony centered on the strengths of these NEP programs and the need to increase funding for the ongoing work to continue to make progress in cleaning up these waterbodies.

PUTTING AMERICA BACK TO WORK THROUGH CLEAN WATER INFRASTRUCTURE INVESTMENT

On July 15, 2010, the Subcommittee held a hearing to receive testimony on investments in Clean Water Act infrastructure. The Subcommittee received testimony from representatives of the City of New York, New York; the City of Kansas City, Missouri; and the District of Columbia’s wastewater agency; the business community; and labor organizations.

The hearing focused on investments in clean water infrastructure and the benefits to the environment and job creation that such investment has in the United States. The Clean Water SRF is the primary Federal vehicle for funding wastewater infrastructure programs throughout the nation. Clean Water SRFs are used for capitalization grants for state clean water programs and infrastructure. One witness cited a 2009 report of the Alliance for American Manufacturing, which found that infrastructure investment spending will directly create 18,000 total jobs for every $1 billion in new investment spending, and will create additional sources of employment, over time, through the maintenance, repair, and improvement of these systems. Another witness expressed strong support for the $4 billion appropriation to the Clean Water SRF included as part of the Recovery Act, which, according to this witness, “quite literally, pulled the construction industry back from the precipice.”

The hearing discussion among Members of the Subcommittee and witnesses focused on the effectiveness of Recovery Act invest-
ments in clean water infrastructure and job creation at the local and state level. Witnesses also expressed continued support for H.R. 1262, the “Water Quality Investment Act of 2009”.

**IMPACT OF GREEN INFRASTRUCTURE AND LOW IMPACT DEVELOPMENT ON THE NATION’S WATER QUALITY, ECONOMY, AND COMMUNITIES**

On September 30, 2010, the Subcommittee held a hearing to receive testimony on the impact of green infrastructure and low-impact development on the nation’s water quality, economy, and communities. The Subcommittee received testimony from Members of Congress; and representatives of the City of Philadelphia, Pennsylvania; the Town of Edmondson, Maryland; the business and development community and the regulated community.

Green infrastructure can take a variety of forms, including green roofs, permeable pavement, curb cut-outs, rain swales and gardens, increased tree cover, and green space/buffer zones. Green infrastructure or low-impact development approaches can offer a number of benefits, including mitigation of urban heat island effects, reduction of energy demands, reduction of stormwater flows, protection from flooding, sequestration of carbon, and filtration of air and water pollutants.

Testimony of the witnesses centered on the experiences of several municipalities that have utilized green infrastructure projects and the benefits of these efforts in improved water quality, which often times, can be achieved in a more cost-effective and environmentally sustainable manner than traditional “grey-infrastructure” approaches. While witnesses noted that green infrastructure/low-impact development projects may not be appropriate in every circumstance, the witnesses recognized the value of such approaches, as well as the importance of Federal investment in these approaches to further their development and implementation. One witness cited to a 2010 American Rivers report that highlighted the importance of the “Green Project Reserve” or set-aside of the Recovery Act, which dedicated 20 percent of Clean Water SRF funds for green infrastructure, water and energy efficiency, and environmental innovation, in promoting the awareness, acceptance, and use of green infrastructure approaches throughout the nation.
Water Resources Survey Resolution
Approved by the Committee

Mr. Cardoza
Black Raccoon Creek, Merced County, CA
Docket number: 2819
Date filed: April 2, 2009
(blood damage reduction.)

Mr. Fortenberry
Deadmans Run Watershed, Lincoln, NE
Docket number: 2820
Date filed: September 23, 2008
(blood damage reduction and environmental restoration.)

Mr. Carnahan
Hydroelectric Power, Upper Mississippi River System, IL, IA, MN, MO, and WI
Docket number: 2821
Date filed: May 13, 2009
(hydroelectric power.)

Ms. DeLauro
Coastal Connecticut Storm Damage Reduction, Milford, CT
Docket number: 2822
Date filed: December 3, 2009
(storm damage reduction.)

Mr. Himes
Housatonic River Watershed, MA, and CT
Docket number: 2823
Date filed: February 3, 2010
(environmental restoration and watershed management.)

Mr. Himes
Fairfield and New Haven Counties, CT
Docket number: 2824
Date filed: February 3, 2010
(environmental restoration and watershed management.)

Mr. Himes
Five Mile River, CT
Docket number: 2825
Date filed: February 3, 2010
(environmental restoration and watershed management.)

Mr. Cummings and Mr. Kratovil
Chesapeake Bay and Maryland Coastal Bays, DE, MD, and VA
Docket number: 2826
Date filed: December 3, 2009
(environmental restoration.)

Mr. Cummings and Mr. Kratovil
Chesapeake Bay Shoreline Erosion, MD, PA, and VA
Docket number: 2827
Date filed: December 3, 2009
(shoreline protection and environmental restoration.)

Mr. Olver
Hoosic River Watershed, MA
Docket number: 2828
Date filed: October 29, 2010
(environmental restoration, flood risk management, and watershed management.)
SUMMARY OF OVERSIGHT HEARINGS
Pursuant to Clauses 2(n), (o), and (p) of Rule XI of the Rules of the House of Representatives

In the 111th Congress, Rule XI of the Rules of the House of Representatives was amended to add new clauses 2(n), (o), and (p), and establish new oversight requirements for committees.

New clause (n) requires each standing committee, or a subcommittee thereof, to hold at least one hearing during each 120-day period following the establishment of the committee on the topic of waste, fraud, abuse, or mismanagement in government programs which that committee may authorize. The Committee complied with the requirements of Rule XI by conducting 15 separate hearings, including at least two in each of the 120-day periods of the 111th Congress.

Clause (o) requires each committee, or a subcommittee thereof, to hold at least one hearing in any session in which the committee has received disclaimers of agency financial statements from auditors of any Federal agency that the committee may authorize to hear testimony on such disclaimers from representatives of any such agency. The Committee did not receive any disclaimers of agency financial statements from auditors of any Federal agency under the Committee's jurisdiction.

Finally, clause (p) requires each standing committee, or a subcommittee thereof, to hold at least one hearing on issues raised by reports issued by the Comptroller General of the United States indicating that Federal programs or operations that the committee may authorize are at high risk for waste, fraud, and mismanagement, known as the “high-risk list” or the “high-risk series”. The Committee conducted three hearings concerning programs that are on the Comptroller General's “high-risk series”, and one hearing on a program that had previously been identified by the Comptroller on the “high-risk series”.

This chapter of the report provides a summary of the hearings conducted pursuant to Clauses 2(n), (o), and (p) of Rule XI.

Date: March 18, 2009.
Subcommittee: Aviation.
Title: Air Traffic Control Modernization and the Next Generation Air Transportation System: Near-Term Achievable Goals.
Purpose: Receive testimony on the air traffic control modernization and the next generation air transportation system, an area that had been identified by the Government Accountability Office as a “high risk” area.
Result: The Committee has engaged in continuing oversight of the Federal Aviation Administration (FAA) Next Generation Air Transportation System (NextGen).
The FAA requested that RTCA, Inc. establish a government-industry NextGen Mid-Term Implementation Task Force (“RTCA Task Force”) to forge an aviation community consensus on NextGen operational improvements to be implemented between now and 2018, maximizing NextGen benefits in the near-term, and developing a business case for industry investment in NextGen. (RTCA is a private, not-for-profit corporation that operates as a Federal Advisory Committee.) The RTCA Task Force was formed in January 2009 and consisted of approximately 335 individuals from 141 different organizations. On September 9, 2009, the Task Force issued its final report and disbanded.

The report contained several recommendations designed to help FAA maximize its ability to deliver near-term benefits and build a foundation for the mid-term. Overall, the FAA has been engaged and collaborative, and the agency has moved forward on a number of the Task Force’s recommendations. In early 2010, FAA reported in its annual NextGen Implementation Plan (NGIP) how it would attempt to address the recommendations, and provided timeframes for those actions. The NGIP will provide greater transparency and accountability with regard to measuring the FAA's progress meeting NextGen milestones.

Date: March 24, 2009.
Subcommittee: Coast Guard and Maritime Transportation.
Title: Overview of Coast Guard Acquisition Policies and Programs.
Purpose: Receive testimony on the Coast Guard’s acquisition programs, as well as the policies and procedures the service is implementing to strengthen its management of the entire acquisition process.
Result: The Coast Guard has begun a comprehensive acquisition reform effort. The reforms are necessary to avoid repeating the problems the service encountered in the Deepwater program and to ensure proper oversight and management of each acquisition project. Several improvements included better communication among headquarters offices, consolidation of project offices, clarification of the roles of key players, and changes in policies and processes. The service’s efforts at reform were being aided through consultation with the Defense Acquisition University and others.

GAO testified that over the two years leading up to the hearing, the Coast Guard had repositioned itself to assume responsibilities associated with systems integration and program management functions that were formerly carried out by contractors. GAO stated that a key development had been a shift to an asset-by-asset management approach rather than an overall system-of-systems acquisition strategy. The new approach allowed the Coast Guard to track costs and schedule information at the individual asset level which resulted in greater capability to identify and report problems.

GAO also testified that the Coast Guard still faced challenges and the outcome of the Deepwater acquisition remained uncertain. Further, the failure of not implementing a disciplined acquisition
approach and the reliance upon a contractor to define the Coast Guard's requirements had resulted in certain assets being delivered and paid for without the Coast Guard having determined whether the assets would meet mission needs.

Coast Guard capital expenditures, including acquisitions, are funded through appropriations to the service's Acquisition, Construction, and Improvement (AC&I) account. The largest single acquisition program to be funded through the AC&I budget is the Deepwater acquisition program, which is projected to cost $24 billion and require 25 years to complete.

The most highly publicized failure of the Deepwater acquisition project was the effort to lengthen the Coast Guard's existing 110-foot patrol boats to 123 feet and install new, upgraded information technology equipment. The original task order for these vessels was issued in August 2002. In June 2005, the Coast Guard decided to suspend the conversion process after eight boats had been delivered because the converted cutters lacked adequate capabilities to meet their expanded post-September 11, 2001, operational requirements.

In November 2006, the eight converted boats were removed from service because of concerns about their operational safety. The vessels have now been de-commissioned.

The Deepwater program was the subject of intense scrutiny and hearings by the Committee in the 110th Congress. While improvements to Deepwater followed the Committee's intervention, a legislative response was warranted.


H.R. 1665 strengthened the Coast Guard's acquisition management processes by building on the reforms the Coast Guard had already implemented. H.R. 1665 also required independent cost estimates for the service's largest acquisitions, the appointment of a Chief Acquisition Officer who must be certified as a Level III Program Manager and have at least 10 years of professional experience in acquisition management, and the establishment of a dedicated acquisition workforce within the Coast Guard.

H.R. 1665 was later included as Title IV—Acquisition Reform, in H.R. 3619, the "Coast Guard Authorization Act of 2010." An amended version of H.R. 3619 passed the House and the Senate on September 30, 2010. The bill was signed by the President and became Public Law 111–281 on October 15, 2010.

Date: March 31, 2009
Subcommittee: Water Resources and Environment

Purpose: To investigate the potential causes of the coal ash spill at the TVA's Kingston Fossil Plant, the response and cleanup, as well as receive information on potential water quality implications from the ash spill.

Result: The Clean Water Act directs EPA to develop effluent guidelines to limit the amount of pollutants that are discharged to
surface waters or to sewage treatment plants through National Pollutant Discharge Elimination System (NPDES) permits. The effluent guidelines for the steam electric power generating point source category apply to steam electric generating units, including TVA’s Kingston Fossil Plant. Following the subcommittee’s hearing, on March 9, 2010, EPA published a notice in the Federal Register that it was initiating an Information Collection Request (ICR) for the Steam Electric Power Generating effluent guidelines. The need to revisit the existing guidelines was demonstrated at the hearing.

This ICR was sent to 733 of the approximately 1,200 fossil- and nuclear-fueled steam electric power plants that are potentially within the scope of the data collection objectives, and will provide the detailed information necessary for EPA to consider revising its effluent guidelines for the steam electric power generating point source category. According to the Federal Register notice, EPA is seeking information on potentially more stringent limits for pollutants in steam electric power generation facility wastewater, as well as the potential impacts of leachate from waste management units (i.e., surface impoundments and landfills) entering the groundwater system.

The hearing clearly demonstrated that devastating spills such as the spill at Kingston should not occur. The Committee’s oversight and the public debate will result in improved management practices.

Date: July 15, 2009
Title: Evaluating GSA’s First Experience with National Broker Contracts.

Purpose: To determine whether the National Broker Contract provides the General Services Administration (GSA) a legitimate tool to meet its statutory obligation to provide commercial office space for Federal agencies.

High Risk Series: This hearing addressed issues related to “Managing Federal Real Property”, a topic contained on GAO’s 2009 High Risk Series.

Result: Based upon the hearing and other data, the Committee has continuing concerns regarding the efficacy and business case for GSA’s reliance upon commission-based brokers to augment the in-house tenant representation function performed by GSA employees. To that end, the subcommittee has commissioned GAO to examine and compare the fee structure employed by GSA with corporate users of tenant representation services and to examine the overall business case for GSA’s reliance upon the broker contract commission-based structure, as compared to increasing the ranks of Federal employees in realty specialist positions, or supplementing Federal realty specialists with contract employees hired through consulting services contracts on an hourly fee basis.

Date: July 28, 2009
Subcommittee: Water Resources and Environment
Title: The Tennessee Valley Authority’s Kingston Ash Slide: Evaluation of Potential Causes and Updates on Cleanup Efforts.
Purpose: Receive updates on the status of the Kingston ash slide cleanup efforts and analyses of the root cause of the Kingston surface impoundment collapse.

Result: The subcommittee continued its oversight of the Kingston spill following its March 31, 2009 hearing. On May 11, 2009, EPA entered into an Administrative Order and Agreement on Consent (AOC) under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), which requires TVA to perform all necessary response actions to address the release of coal ash from the Kingston Fossil Fuel Plant.

On August 4, 2009, TVA and EPA jointly agreed to an Action Memorandum (Request for Removal Action for the Tennessee Valley Authority at the Kingston Fossil Plant in Roane County, Tennessee) that established the time-critical removal actions required to recover, remove, and manage the major portion of the approximately 3 million cubic yards of coal ash released into the Emory River. This time-critical removal action was coordinated and overseen by an EPA On-Scene Coordinator. Dredging for the time-critical removal action was completed in July, 2010, and off-site removal of dredged coal ash is expected to be completed by the end of 2010.

On October 20, 2010, an engineering consultant hired by TVA to assess the safety of the utility's remaining coal ash and gypsum ponds reported that only half of the 24 earthen dams at TVA ash ponds meet the top safety standard for stability. However, according to the consultant, none of the ash ponds presents an immediate danger of failure. TVA reports that the agency expects to have completed at least 86 ongoing engineering and construction projects to improve the safety of its ponds by the end of 2011. The Committee's interest in ensuring vigilance on the part of TVA and EPA is having positive results. Additional oversight of TVA's efforts to improve the safety of its storage ponds is essential for ensuring public health and safety.

Date: September 10, 2009
Committee: Transportation and Infrastructure
Title: Concerns with Hazardous Materials Safety in the U.S.: Is PHMSA Performing its Mission?

Purpose: Receive concerns with the Pipeline and Hazardous Materials Safety Administration’s (PHMSA) oversight and management of hazardous materials safety in the United States.

Result: Committee Majority staff released preliminary findings of an extensive oversight investigation of the Department of Transportation's hazardous materials safety program.

The Committee's investigation, coupled with Department of Transportation (DOT) Office of Inspector General (OIG) findings, strongly suggests that PHMSA’s performance of its primary safety mission is less than diligent in far too many instances. It appears to be inappropriately “cozy” with industry, which demands an immediate, high-level policy review.

The details of the Committee's preliminary findings are: PHMSA does not review prior incident or enforcement histories of applicants before authorizing special permits and approvals; PHMSA does not verify whether an applicant for a special permit or approval is (or should be) registered to transport, or offer for trans-
port, hazardous material in commerce before authorizing a special permit or approval; PHMSA could not provide the necessary support for granting an applicant’s request for a special permit or approval; PHMSA largely relies on self-certification by the applicant for special permits and approvals; PHMSA allows an unlimited number of unrelated entities to utilize special permits granted to other parties; PHMSA does not know where special permits are being utilized; PHMSA issues special permits to trade associations and allows the association members to become “party to” the permit without any evaluation as to their fitness and ability to carry out the terms and conditions of the special permit; PHMSA does not follow its own regulations for issuing emergency special permits; PHMSA grants emergency special permits to applicants without any meaningful justification for a waiver of the regulations; PHMSA is pre-disposed to approving requests for special permits, emergency special permits, and approvals; there is no process established in law for issuing approvals; PHMSA issues approvals to domestic “agents” representing foreign companies to carry hazardous materials in the United States without any evaluation of the fitness of the foreign company; investigators identified special permits that should be incorporated in the regulations; PHMSA has failed to coordinate with the Department of Transportation modal administrations, in particular the Federal Aviation Administration; PHMSA has largely ignored oversight and enforcement concerns; PHMSA found that 60 to 90 percent of all accidents are unreported, but little has been done to address it; contrary to its claims, PHMSA is not a data-driven agency; PHMSA developed a comprehensive plan to address its data issues but it was never implemented; there have been concerns that PHMSA failed to maintain an arms-length relationship with industry; and, PHMSA has lost sight of its safety mission.

Date: October 14, 2009
Subcommittee: Railroads, Pipelines, and Hazardous Materials
Title: High-Speed Rail in the United States: Opportunities and Challenges.
Purpose: Receive testimony on the opportunities and challenges of developing high-speed rail in the United States.
High Risk Series: This hearing addressed issues related to “Funding the Nation’s Surface Transportation System”, a topic contained on GAO’s 2009 High Risk Series.
Result: The subcommittee heard from a number of witnesses on the need to increase Federal investment in rail. The witnesses pointed to the discrepancy in historical Federal investment between highways, aviation, and intercity passenger rail as a major problem. Between 1958 and 2008, nearly $1.3 trillion has been invested in our nation’s highways and more than $473 billion in the nation’s aviation system. Federal investment in passenger rail began in 1971 with the creation of the National Railroad Passenger Corporation (Amtrak). Between 1971 and 2008, only $53 billion has been invested in passenger rail. Many witnesses supported $9.3 billion investment in high-speed and intercity passenger rail provided in the American Recovery and Reinvestment Act of 2009 (111–1). Witnesses also supported the $50 billion investment (over six years) for high-speed and intercity passenger rail contained in the
Surface Transportation Authorization Act (STAA), which was unveiled in June 2009. Additional hearings were held in 2010 focused on implementing a national high-speed and intercity passenger rail program.

Date: December 9, 2009
Subcommittee: Water Resources and Environment
Title: The One Year Anniversary of the Tennessee Valley Authority’s Kingston Ash Slide: Evaluating Current Cleanup Progress and Assessing Future Environmental Goals.
Purpose: To receive updates as to the status of the Kingston ash slide cleanup efforts, as well as disposal of reclaimed and dredged ash in Perry County, Alabama.
Result: On May 18, 2010, TVA and EPA jointly agreed to an Action Memorandum for the Non-Time Critical Removal Action Embayment/Dredge Cell components. In this memorandum, TVA agreed to the removal of 2.8 million cubic yards of coal ash from the Swan Pond Embayment, consolidation and on-site disposal of coal ash remaining in the failed dredge cell and ash pond, installation of an enhanced perimeter containment system around the closed out cell using deep soil-cement mixing techniques, and the restoration of the Swan Pond embayment ecosystem to pre-spill conditions. Actions pursuant to the Action Memorandum are ongoing and are expected to be completed by 2015. The Committee’s continuing interest in EPA and TVA actions reveals that additional oversight of progress on the non-time critical removal actions is essential for ensuring public health and safety.

Date: March 3, 2010
Committee: Transportation and Infrastructure
Title: The Water Resources Development Act of 2007: A Review of Implementation in its Third Year.
Purpose: To receive testimony on the successes and failures associated with implementing the programmatic reforms contained in the Water Resources Development Act of 2007.
Result: On November 8, 2007, Congress enacted the Water Resources Development Act of 2007 over the veto of the President. Enacting the Water Resources Development Act of 2007 (WRDA 2007) was only the 107th successful veto override in the history of the Congress.

WRDA 2007 was the culmination of seven years of pent up demand for authorizations to address the Nation’s water resources needs. Among its over 900 projects or programs are significant new authorities associated with the Florida Everglades, the restoration and protection of coastal Louisiana and Mississippi following the devastation of Hurricanes Katrina and Rita, and modernization of the nation’s water-based transportation system.

In addition to its project and program authorizations, WRDA 2007 includes the most sweeping reforms of how the Department of the Army’s Corps of Engineers develops and implements its projects and programs since the Water Resources Development Act of 1986. Since November 8, 2007, the Department of the Army and the Corps of Engineers had been slow to implement the programmatic reforms and projects contained in that law. Where the Army and the Corps implemented reforms, the results often were
inadequate and inconsistent with the statute and Congressional intent. These shortcomings compelled the Committee's oversight of WRDA 2007 implementation.

The Committee staff prepared a report describing many of the most serious deficiencies in implementation. (The Water Resources Development Act of 2007, Public Law 110–114, a Report on Implementation in the Third Year.) The report described how the Department of the Army and Corps of Engineers implementation of the major programmatic reforms—mitigation, independent review, and the planning principles and guidelines—was well behind the schedules established by WRDA 2007 and did not fulfill the law's intent.

The implementation documents for WRDA 2007 did not appear to have been issued with a sense of priority. Significant programmatic changes with immediate and universal applicability called for immediate attention. Instead, implementation of programmatic reforms was delayed while guidance for unfunded activities that would not be implemented was routinely issued.

In implementing WRDA 2007, the Assistant Secretary and the Corps should have allocated resources to programmatic changes that have universal applicability and immediate effective dates. Of equal importance would be project related provisions that have immediate impact on funded activities, or immediate impact where funding is not necessary.

Since the March hearing, the Department of the Army and the Corps have improved their WRDA 2007 implementation. The Committee continues to monitor implementation to ensure prompt adherence with Congressional intent. WRDA 2007 implementation will require continuing oversight by the Committee.

Date: April 14, 2010
Subcommittee: Highways and Transit
Title: Using Innovative Financing to Deliver Highway and Transit Projects.
Purpose: To receive testimony on innovative financing practices in surface transportation project delivery. This hearing is part of the Subcommittee’s effort to reauthorize Federal surface transportation programs under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) (P.L. 109–59).
High Risk Series: This hearing addressed issues related to “Funding the Nation’s Surface Transportation System”, a topic contained on GAO’s 2009 High Risk Series.
Result: This hearing provided an opportunity to examine the role of innovative financing tools and programs that can assist in successfully delivering highway and transit projects, and to ensure that when these financing tools are utilized, the primary focus remains on protecting the public interest and providing the maximum public benefit. The Nation continues to underinvest in highway and transit projects in relation to the need and demand for such projects. The hearing also highlighted that while these project financing tools will play an important role in addressing the surface transportation investment gap, they will not supplant or replace the primary financing mechanism of Federal motor fuel tax and the Highway Trust Fund. The Committee’s record clearly dem-
onstrates that the complexities of funding surface transportation warrant serious time and attention.

Date: April 22, 2010
Committee: Transportation and Infrastructure
Title: The Department of Transportation’s Oversight and Management of Hazardous Materials Special Permits and Approvals.
Purpose: To receive testimony on concerns with the Pipeline and Hazardous Materials Safety Administration’s (PHMSA) oversight and management of its special permits and approvals program. This hearing is a follow-up to a Committee hearing held on September 10, 2009.
Result: In July 2009, the Committee majority staff launched an investigation of PHMSA, including its oversight and management of its special permits and approvals program in response to significant concerns raised in a Department of Transportation Inspector General audit of PHMSA. On September 10, 2009, the Committee held an oversight hearing on PHMSA’s special permits and approvals program. Preliminary findings of the Majority staff’s investigation were publicly released just prior to the hearing. In response to the hearings and staff findings, Chairman Oberstar introduced H.R. 4016, the Hazardous Material Transportation Safety Act of 2009 on November 4, 2009. Section 401 of the bill addresses shortcomings in special permits and approvals by:

- Maintaining PHMSA’s ability to issue special permits so long as the authorized activity is carried out in a way that achieves a safety level at least equal to the safety level required under chapter 51 of title 49, United States Code; or is consistent with the public interest and chapter 51, if a required safety level does not exist;
- Requiring PHMSA to determine that an applicant for a special permit or approval is fit, willing, and able to conduct the activity authorized by the special permit or approval in a safe manner. In making the determination, the Secretary will consider the applicant’s safety history (including prior compliance history), accident and incident history, and any other information the Secretary considers appropriate to make such a determination;
- Requiring PHMSA to consult and coordinate with the Federal Aviation Administration, Federal Motor Carrier Safety Administration, and the Federal Railroad Administration prior to issuing a special permit or approval;
- Requiring PHMSA to publish all special permits, including emergency special permits, and approvals in the Federal Register for public review and comment; and
- Authorizing PHMSA to establish a reasonable fee for processing applications for special permits and approvals.

On November 16, 2009, the Subcommittee on Railroads, Pipelines, and Hazardous Materials held a field hearing in Baltimore, Maryland, focused on Reauthorization of the Department of Transportation’s Hazardous Materials Safety Program. On November 19, 2009, the Committee on Transportation and Infrastructure met in open session to consider H.R. 4016, and ordered the bill reported to the House.
Federal programs intended to protect lives and property are of the highest priority. The Committee review of PHSMA indicated that serious flaws existed and improvements were warranted to ensure agency accountability. The Committee responded with the Hazardous Material Transportation Safety Act of 2009.

Date: May 25, 2010
Title: Eliminating Waste and Managing Space in Federal Courthouses: GAO Recommendations on Courthouse Construction, Courtroom Sharing, and Enforcing Congressionally Authorized Limits on Size and Cost.
Purpose: To receive testimony from the Government Accountability Office (GAO) on its draft report, Federal Courthouse Construction: Better Planning, Oversight and Courtroom Sharing Needed to Address Future Costs, and commentary from representatives of the Judiciary and the General Services Administration (GSA) on the draft report.
Result: The hearing largely confirmed the three principal GAO findings of overbuilding by GSA, consistent over-projection of future judgeships by the Judiciary, and inadequate courtroom sharing by the Judiciary. The result was additional expenditures of nearly $900 million. These findings were developed on the basis of GAO’s modeling of the Judiciary’s own study of courtroom use. GAO’s estimate of the cost attributable to the overbuilding by GSA was vociferously contested by GSA, with some validity; nonetheless, the hearing substantially confirmed the GAO finding that the courthouse construction program requires greater oversight and management to ensure that unneeded space is not constructed.

The Committee determined that there is a need for new controls on the courthouse construction program through legislation to ensure that GSA reports to Congress when it plans to exceed authorized dollar limits by ten percent or more, when it plans to depart from the authorized square footage limitation by five percent or more, and by prescribing a courtroom allocation formula based upon numbers of Congressionally approved judgeship positions and senior judges. Until such legislation is enacted, the Committee will continue to control courthouse costs through prescriptions and limits in specific project authorizations.

Date: July 21, 2010
Subcommittee: Highways and Transit
Title: Oversight of the Highway Bridge Program and the National Bridge Inspection Program.
Purpose: To receive testimony regarding oversight by the Federal Highway Administration (FHWA) of the Federal Highway Bridge Program (HBP) and the National Bridge Inspection Program (NBIP) through testimony from the U.S. Department of Transportation (U.S. DOT) Office of Inspector General (IG), FHWA, the Government Accountability Office (GAO), and the American Association of State Highway and Transportation Officials (AASHTO) in preparation for the reauthorization of Federal surface transportation programs under the Safe, Accountable, Flexible, Efficient

Result: The hearing highlighted serious deficiencies in the Highway Bridge Program and the National Bridge Inspection Program that were identified in numerous reports issued by the U.S. Department of Transportation Inspector General and the Government Accountability Office. These deficiencies centered on inspection of highway bridges, the oversight of state bridge programs, and management of Federal Highway Bridge Program funds. The hearing also examined a number of provisions included in the Committee's Surface Transportation Authorization Act to strengthen FHWA's oversight of the Federal bridge program and State bridge inspections, including establishing a risk-based priority for replacement and rehabilitation of deficient bridges; requiring plans for inspection and rehabilitation of deficient bridges; requiring FHWA to review the compliance of States and other Federal agencies with the National Bridge Inspection Standards and withhold project approvals for most highway programs for States that fail to comply; and establishing procedures for reporting on critical findings from bridge inspections. Each of these issues concerning management of Highway Bridge Program funds requires the continuing work of the Committee as it considers long-term surface transportation legislation.

Date: September 15, 2010
Committee: Transportation and Infrastructure
Title: Enbridge Pipeline Oil Spill in Marshall, Michigan.
Purpose: To receive testimony on the recent Enbridge pipeline failure in Marshall, Michigan. The failure resulted in the release of an estimated one million gallons of crude oil into Talmadge Creek and the Kalamazoo River.

Result: On August 2, 2010, in response to a request of Representative Mark H. Schauer, the Committee launched an investigation of the Enbridge pipeline failure in Marshall, Michigan. The Committee requested numerous documents from Enbridge, Secretary of Transportation Ray LaHood and Environmental Protection Agency Administrator Lisa Jackson related to the ruptured pipeline. Committee staff also conducted nearly 100 interviews with residents impacted by the Line 6B rupture in Marshall, Michigan, in addition to interviews of Enbridge, Federal, State, and local officials.

As a result, the Committee identified numerous safety deficiencies, including Enbridge's failure to address numerous volume imbalance alarms that had sounded in the days leading up to the spill, and to address more than 329 defects on Line 6B which required repair within 60 to 180 days under Federal regulations.

The Committee also discovered evidence that Enbridge pressured residents affected by the oil spill to waive their rights to seek damages in exchange for minimal relief services such as air purifiers or motel reimbursements and to sign authorization forms for the release of all medical records to the company. On September 1, 2010, Chairman Oberstar and Representative Schauer sent letters to the U.S. Department of Justice and U.S. Department of Health and Human Services (HHS) requesting inquiries into Enbridge's practices relating to the liability releases and medical information forms. Chairman Oberstar and Representative Schauer also wrote
to Enbridge regarding the allegation, and asked Enbridge to voluntarily rescind any and all releases of full and final settlement and any and all authorizations for releases of medical records that had been signed pursuant to the oil spill in Marshall, Michigan. They requested an immediate halt of Enbridge’s practice of asking residents to sign the forms, and asked for copies of all signed forms and related materials.

On September 3, 2010, Enbridge sent a letter to Chairman Oberstar and Representative Schauer stating that residents or businesses that were not satisfied with the claims process or Enbridge’s approach would have the option to seek legal recourse. Enbridge committed to reviewing its claims process and discontinuing the use of releases that precluded the claimant from bringing future claims for physical injuries or medical conditions that result from the leak until Enbridge has an opportunity to meet with the parties to the letter. Enbridge also agreed to discontinue its efforts to obtain authorizations for release of medical information.

In response to the Committee letter, on September 7, 2010, Department of Health and Human Services Secretary Kathleen Sebelius sent a letter to Patrick Daniel, President and Chief Executive Officer of Enbridge, stating that if the reports were accurate that the company had “misled or coerced individuals to sign forms authorizing the release of personal medical records to Enbridge upon referral to a local family health center; that these forms authorize the disclosure of an inappropriately broad amount of medical information, including information wholly unrelated to their current conditions or complaints; that the form could be directed to any provider, not only the one(s) to which the patient has sought treatment for the potentially oil spill-related condition; and that Enbridge has failed to adequately inform these individuals of their privacy rights under the Health Insurance Portability and Accountability Act (HIPAA) . . . that the company’s actions are a deplorable affront to patients’ privacy rights” and called on Enbridge to cease such practices immediately. HHS also reported to the Committee that Enbridge’s form was not HIPAA compliant.

The hearing led to House passage of H.R. 6008, the Corporate Liability and Emergency Accident and Notification Act, as a first step toward holding pipeline operators accountable for liquid or gas leaks and requiring prompt reporting of pipeline incidents.

Date: September 22, 2010
Committee: Transportation and Infrastructure
Title: Residential Through-the-Fence Agreements at Public Airports: Action to Date and Challenges Ahead.
Purpose: To receive testimony regarding residential through-the-fence agreements between airport sponsors and the owners of residential property adjacent to airports.
Result: The hearing built a record of evidence of the dilemmas that result from situations in which Federal funds are used to maintain and improve airports where adjacent homeowners enjoy direct rights of access between their homes and airport operational surfaces. Evidence established that, in some cases, rights of airport access granted by airport sponsors to adjacent homeowners limit the expandability and adaptability of public-use airports and may be contrary to the purpose of Federal investment in those airports.
Consistent with testimony presented at the hearing, the Federal Aviation Administration (FAA) has been moving to finalize revisions to its policy on residential through-the-fence agreements. Implementation of these revisions, which were announced prior to the hearing, will reduce the potential for future residential through-the-fence access to inappropriately constrain airport development or adversely affect aviation safety. FAA officials began reviewing public comments on the proposed revisions following the closing of the comment period on October 25, 2010.
Jurisdictional Letters

H.R. 915  February 9, 2009

To amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2009 through 2012, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

"FAA Reauthorization Act of 2009."

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 May 7, 2009.

The exchange of letter was printed on page 227 and 228 of H. Rept. 111-119, Part 1.

H.R. 915  February 9, 2009

To amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2009 through 2012, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

"FAA Reauthorization Act of 2009."

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 May 7, 2009.

The exchange of letter was printed on page 227 and 228 of H. Rept. 111-119, Part 1.

H.R. 915  February 9, 2009

To amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2009 through 2012, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

"FAA Reauthorization Act of 2009."

A jurisdictional exchange of letters between Committee on Science and Technology Chairman Ben Nighthorse Campbell and Committee on Transportation and Infrastructure Chairman James L. Oberstar occurred on May 15, 2009.

The exchange of letter was printed on pages 229 through 231 of H. Rept. 111-119, Part 1.

H.R. 1178  February 25, 2009

To direct the Comptroller General of the United States to conduct a study on the use of Civil Air Patrol personnel and resources to support homeland security missions, 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 May 6, 2009.

The exchange of letter was printed in the Congressional Record on page 115429 on May 12, 2009.
Jurisdictional Letters

H.R. 1262  March 3, 2009
To amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes.

"Water Quality Investment Act of 2009."

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 6, 2009.

The exchange of letters was printed in the Congressional Record on March 12, 2009, on page H13446.

H.R. 1262  March 3, 2009
To amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes.

"Water Quality Investment Act of 2009."

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 and 9, 2009.

The exchange of letters was printed in the Congressional Record on March 12, 2009, on page H13546.

H.R. 8655  June 2, 2009
To structure Coast Guard acquisition processes and policies, 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 10, 2009.

The exchange of letters was printed on pages 20 and 21 of House Report 111-215.

H.R. 3369  July 28, 2009
To amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, 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 November 12, 2009.

The exchange of letter was printed in the Congressional Record on page H13023 on November 17, 2009.

H.R. 3618  September 22, 2009
To provide for implementation of the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001, 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 November 12, 2009.

The exchange of letters was printed on pages 16 and 17 of House Report 111-331, Part I.

H.R. 3618  September 22, 2009
To provide for implementation of the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001, 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 November 12, 2009.

The exchange of letters was printed on pages 17 and 18 of House Report 111-331, Part I.

H.R. 3619  September 22, 2009
To authorize appropriations for the Coast Guard for fiscal year 2010, 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 October 20, 2009.

The exchange of letter was printed in the Congressional Record on October 22, 2009, on page H11637.

H.R. 3619  September 22, 2009
To authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes.
Jurisdictional Letters

A jurisdictional exchange of letters between Committee on the Judiciary Chairman John Conyers and Committee on Transportation and Infrastructure Chairman James L. Oberstar occurred on October 16 and 19, 2009.

The exchange of letter was printed in the Congressional Record on October 22, 2009, on page H11637.

H.R. 3619 September 22, 2009

To authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes.

A jurisdictional exchange of letters between Committee on Energy and Commerce Chairman Henry A. Waxman and Committee on Transportation and Infrastructure Chairman James L. Oberstar occurred on October 21, 2009.

The exchange of letter was printed in the Congressional Record on October 22, 2009, on page H11638.

H.R. 4714 March 2, 2010

To amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2011 through 2014, and for other purposes.

A jurisdictional exchange of letters between Committee on the Judiciary Chairman John Conyers, Jr., and Committee on Transportation and Infrastructure Chairman James L. Oberstar occurred on March 4, 2010.

The exchange of letter was printed in the Congressional Record on September 28, 2010, on page H11638.

H.R. 5266 May 11, 2010

To extend the final report deadline and otherwise reauthorize the National Commission on Children and Disasters.

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 20, 2010.

The exchange of letter was printed in the Congressional Record on July 22, 2009, on page E1410.
Jurisdictional Letters

Bill Not Referred to the Committee:

H.R. 631 January 22, 2009
To increase research, development, education, and technology transfer activities related to water use efficiency and conservation technologies and practices at the Environmental Protection Agency.
“Water Use Efficiency and Conservation Research Act.”
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 6, 2009.
The exchange of letter was printed in the Congressional Record on February 11, 2009, on page H1188.

H.R. 903 February 4, 2009
To amend the Public Health Service Act to enhance the roles of dentists and allied dental personnel in the Nation’s disaster response framework, and for other purposes.
“Dental Emergency Responder Act of 2009.”
A jurisdictional exchange of letters between Committee on Energy and Commerce Chairman Henry A. Waxman and Committee on Transportation and Infrastructure Chairman James L. Oberstar occurred on September 28, 2010.
The exchange of letter was printed in the Congressional Record on September 28, 2010, on page H7198.

H.R. 1145 February 24, 2009
To implement a National Water Research and Development Initiative, 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 April 17, 2009.
The exchange of letter was printed on pages 25 through 27 of H. Rept. 111-76.

H.R. 2200 October 13, 2009
To authorize the Transportation Security Administration’s programs relating to the provision of transportation security, and for other purposes. other purposes.
A jurisdictional letter was sent to Committee on Homeland Security Chairman Bennie G. Thompson from Committee on Transportation and Infrastructure Chairman James L. Oberstar occurred on May 19, 2009.
The letter was printed in the Congressional Record on page H6170 on June 4, 2009.

H.R. 2647 June 2, 2009
To authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, 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 June 17 and 18, 2009.
The exchange of letters was printed on pages 603 and 604 of House Report 111-166, Part I.

H.R. 2701 June 2, 2009
To authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.
A jurisdictional exchange of letters between Select Committee on Intelligence Chairman Silvestre Reyes and Committee on Transportation and Infrastructure Chairman James L. Oberstar occurred on June 19 and 22, 2009.
The exchange of letter was printed on page 94 through 96 of House Report 111-186.

H.R. 2693 June 3, 2009
To amend title VII of the Oil Pollution Act of 1990, 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 July 20, 2010.
The exchange of letters was printed in the Congressional Record on July 21, 2010, on page H3874.
Jurisdictional Letters

H.R. 3123  July 8, 2009
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 Natural Resources Chairman Nick J. Rahall and Committee on Transportation and Infrastructure Chairman James L. Oberstar occurred on September 8, 2009.

The exchange of letters was printed in the Congressional Record on September 8, 2009, on page H294.

H.R. 3560  September 25, 2009
To establish a National Harmful Algal Bloom and Hypoxia Program, to develop and coordinate a comprehensive and integrated strategy to address harmful algal blooms and hypoxia, and to provide for the development and implementation of comprehensive regional action plans to reduce harmful algal blooms and hypoxia.

A jurisdictional exchange of letters between Committee on Natural Resources Chairman Nick J. Rahall and Committee on Transportation and Infrastructure Chairman James L. Oberstar and Committee on Science and Technology Chairman Bart Gordon occurred on November 12 and 13, 2009.

The exchange of letters was printed on pages 32 through 34 of House Report 111-356, Part I.

H.R. 3791  July 8, 2009
To amend sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974, and for other purposes.

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 November 12, 2009.

The exchange of letters was printed on page 53 of House Report 111-381, Part I.

H.R. 3978  November 2, 2009
An Act to amend the Implementing Recommendations of the 9/11 Commission Act of 2007 to authorize the Secretary of Homeland Security to accept and use gifts for otherwise authorized activities of the Center for Domestic Preparedness that are related to preparedness for and response to terrorism, and for other purposes.

A jurisdictional exchange of letters between Committee on Transportation and Infrastructure Chairman James L. Oberstar and Committee on Homeland Security Chairman Bennie G. Thompson occurred on September 30, 2009.

The exchange of letters was printed on page H6975 of the Congressional Record.

H.R. 3980  November 2, 2009
To provide for identifying and eliminating redundant reporting requirements and developing meaningful performance metrics for homeland security preparedness grants, and for other purposes.

A jurisdictional exchange of letters between Committee on Transportation and Infrastructure Chairman James L. Oberstar and Committee on Homeland Security Chairman Bennie G. Thompson occurred on December 2, 2009.

The exchange of letters was printed on page H13412 of the Congressional Record.
Printed Hearings

111-1  “Commuter Rail - 111th Congress.”
      Full Committee.
      February, 2009

111-2  “Infrastructure Investment: Ensuring an Effective
      Economic Recovery Program.”
      Full Committee.
      January 22, 2009

111-3  “Energy Reduction and Environmental
      Sustainability in Surface Transportation”
      Subcommittee on Highways and Transit.
      January 27, 2009

111-4  “Freight and Passenger Rail: Present and Future
      Roles, Performance, Benefits, and Needs”
      Subcommittee on Railroads, Pipelines, and
      Hazardous Materials.
      January 28, 2009

111-5  “Sustainable Wastewater Infrastructure.”
      Subcommittee on Water Resources and
      Environment.
      February 4, 2009

111-6  “Successional Piology on the High Seas.”
      Subcommittee on Coast Guard and Maritine
      Transportation.
      February 4, 2009

111-7  “General Services Administration’s Economic
      Recovery Role: Job Creation, Repair, and Energy
      Efficiency in Federal Buildings and
      Accessibility.”
      Subcommittee on Economic Development, Public
      Buildings, and Emergency Management.
      February 11, 2009

111-8  “The Federal Aviation Administration
      Reauthorization Act of 2009.”
      Subcommittee on Aviation.
      February 11, 2009

111-9  “Confronting Freight Challenges in Southern
      California.”
      Subcommittee on Highways and Transit and
      Railroads, Pipelines, and Hazardous Materials.
      February 20, 2009

111-10 “US Airways Flight 1549 Accident.”
      Subcommittee on Aviation.
      February 24, 2009

111-11 “Post Katrina Disaster Response and Recovery:
      Evaluating FEMA’s Continuing Efforts in the Gulf
      Coast and Response to Recent Disasters.”
      Subcommittee on Economic Development, Public
      Buildings, and Emergency Management.
      February 25, 2009

111-12 “Economic Development Administration
      Reauthorization.”
      Subcommittee on Economic Development, Public
      Buildings, and Emergency Management.
      March 10, 2009

111-13 “Overview of Coast Guard Drug and Migrant
      Interdiction.”
      Subcommittee on Coast Guard and Maritime
      Transportation.
      March 11, 2009

111-14 “ATC Modernization and NextGen Near-Term
      Achievable Goals.”
      Subcommittee on Aviation.
      March 18, 2009

111-15 “Efforts to Address Urban Stormwater Runoff.”
      Subcommittee on Water Resources and
      Environment.
      March 19, 2009

111-16 “The Serious Commercial Real Estate Credit
      Crunch and the General Services Administration:
      Leasing and Building Dizing as an Economic Crisis.”
      Subcommittee on Economic Development, Public
      Buildings, and Emergency Management.
      March 20, 2009

111-17 “Overview of Coast Guard Acquisition Policies
      and Programs.”
      Subcommittee on Coast Guard and Maritime
      Transportation.
      March 24, 2009

111-18 “Department of Transportation Disadvantaged
      Business Enterprise Program.”
      Full Committee.
      March 26, 2009

111-19 “The Tennessee Valley Authority’s Kingston Ash
      Slide and Potential Water Quality Impacts of Coal
      Combustion Waste Storage.”
      Subcommittee on Water Resources and
      Environment.
### Printed Hearings

**March 31, 2009**

111-20  “Compilation of Selected Surface Transportation Laws.” (3 Volumes)

111-21  “Civil Rights Services and Diversity Initiatives in the Coast Guard.”
        Subcommittee on Coast Guard and Maritime Transportation.
        April 1, 2009

111-22  “Disaster Capacity in the National Capital Region: Experiences, Capabilities, and Weaknesses.”
        April 3, 2009

111-23  “Oversight of Helicopter Medical Services.”
        Subcommittee on Aviation.
        April 22, 2009

111-24  “Railroad Rehabilitation and Improvement Financing Program.”
        Subcommittee on Railroads, Pipelines, and Hazardous Materials.
        April 22, 2009

111-25  “The High Priority Project Program.”
        Subcommittee on Highways and Transit.
        April 28, 2009

111-26  “Reauthorization of the Department of Transportation’s Hazardous Materials Safety Program.”
        Subcommittee on Railroads, Pipelines, and Hazardous Materials.
        May 13, 2009

111-27  “Recovery Act: 10-Week Progress Report for Transportation and Infrastructure Programs.”
        Full Committee.
        April 29, 2009

        May 1, 2009

111-29  “Tracking Hearing 2: General Services Administration Stimulus Funds - Up, Out, and Creating Jobs.”
        May 5, 2009

111-30  “The Economic Viability of the Civil Reserve Air Fleet Program.”
        Subcommittee on Aviation.
        May 13, 2009

111-31  “Fiscal Year 2010 Budget Requests of the Coast Guard, Maritime Administration, and Federal Maritime Commission.”
        Subcommittee on Coast Guard and Maritime Transportation.
        May 13, 2009

        Full Committee.
        May 14, 2009

111-33  “Reauthorization of the Department of Transportation’s Hazardous Materials Safety Program.”
        Subcommittee on Railroads, Pipelines, and Hazardous Materials.
        May 14, 2009

111-34  “Recommendations of the National Committee on Levee Safety.”
        Subcommittee on Water Resources and Environment.
        May 19, 2009

111-35  “Piracy Against U.S. Flagged Vessels: Lessons Learned.”
        Subcommittee on Coast Guard and Maritime Transportation.
        May 20, 2009

111-36  “Aviation Consumer Issues: Emergency Contingency Planning and Outlook for Summer Travel.”
        Subcommittee on Aviation.
        May 20, 2009

        May 22, 2009

        (3 Volumes)
Printed Hearings

111-40  "Control of Anti-Fouling Systems on Ships."  Subcommittee on Coast Guard and Maritime Transportation.  June 19, 2009

111-41  "Regional Air Carriers and Pilot Workforce Issues."  Subcommittee on Aviation.  June 11, 2009


111-43  "A Continuing Examination of Civil Rights Services and Diversity in the Coast Guard."  Subcommittee on Coast Guard and Maritime Transportation.  June 19, 2009


111-47  "National Maritime Center and Maritime Credentials."  Subcommittee on Coast Guard and Maritime Transportation.  July 9, 2009


Printed Hearings

      September 17, 2009

111-60  “Reauthorization of the Chesapeake Bay Program.”
      Subcommittee on Water Resources and Environment.
      September 22, 2009

111-61  “Risk-Based Security in Federal Buildings: Targeting Funds to Real Risks and Eliminating
      Unnecessary Security Obstacles.”
      September 23, 2009

111-62  “The Federal Aviation Administration’s Call to Action on Airline Safety and Pilot Training.”
      Subcommittee on Aviation.
      September 23, 2009

111-63  “Final Breakthrough on the Billion Dollar Katrina Infrastructure Logjam: How is it Working?”
      September 29, 2009

111-64  “A Review of the Coast Guard’s Search and Rescue Mission.”
      Subcommittee on Coast Guard and Maritime Transportation.
      September 30, 2009

111-65  “This Is Not A Test: Will the Nation’s Emergency Alert System Deliver the President’s Message to the Public?”
      September 30, 2009

      Full Committee.
      October 1, 2009

111-67  “Protecting and Restoring America’s Great Waters: The Long Island Sound.”
      Subcommittee on Water Resources and Environment.
      October 6, 2009

111-68  “Qualifications and Credentialing of Mariners: A Continuing Examination.”
      Subcommittee on Court Guard and Maritime Transportation.
      October 7, 2009

111-69  “High-Speed Rail in the United States: Opportunities and Challenges.”
      Subcommittee on Railroads, Pipelines, and Hazardous Materials.
      October 14, 2009

111-70  “The Clean Water Act After 57 Years: Recommitting to the Protection of the Nation’s Waters.”
      Full Committee.
      October 15, 2009

111-71  “Looking Out for the Very Young, the Elderly and Others with Special Needs: Lessons from Katrina and Related Disasters.”
      October 20, 2009

111-72  “Recovery Tracking Hearing #3: Following the Dollars to the Jobs.”
      October 27, 2009

111-73  “NextGen: A Review of the RTCA Mid-Term Implementation Task Force Report.”
      Subcommittee on Aviation.
      October 28, 2009

111-74  “Addressing the Problem of Distracted Driving.”
      Subcommittee on Highways and Transit.
      October 29, 2009

      Subcommittee on Water Resources and Environment.
      November 4, 2009

111-76  “Reauthorization of the Department of Transportation’s Hazardous Materials Safety Program.”
      Subcommittee on Railroads, Pipelines, and Hazardous Materials.
      November 16, 2009

111-77  “Proposals for a Water Resources Development Act of 2010.”
### Printed Hearings

<table>
<thead>
<tr>
<th>Bill Number</th>
<th>Title</th>
<th>Subcommittee</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>111-78</td>
<td>“Commercial Space Transportation”</td>
<td>Subcommittee on Aviation.</td>
<td>December 2, 2009</td>
</tr>
<tr>
<td>111-80</td>
<td>“Public Transit Safety: Examining the Federal Role.”</td>
<td>Subcommittee on Highways and Transit</td>
<td>December 8, 2009</td>
</tr>
<tr>
<td>111-82</td>
<td>“Maritime Domain Awareness.”</td>
<td>Subcommittee on Coast Guard and Maritime Transportation.</td>
<td>December 9, 2009</td>
</tr>
<tr>
<td>111-84</td>
<td>“Reauthorization of the National Transportation Safety Board.”</td>
<td>Subcommittee on Aviation.</td>
<td>January 27, 2010</td>
</tr>
<tr>
<td>111-86</td>
<td>“Update: The Federal Aviation Administration’s Call to Action on airline Safety and Pilot Training.”</td>
<td>Subcommittee on Aviation.</td>
<td>February 4, 2010</td>
</tr>
<tr>
<td>111-89</td>
<td>“Aircraft icing.”</td>
<td>Subcommittee on Aviation.</td>
<td>February 24, 2010</td>
</tr>
<tr>
<td>111-90</td>
<td>“FY 2011 Budget for the Coast Guard, the Maritime Administration, and the Federal Maritime Commission.”</td>
<td>Subcommittee on Coast Guard and Maritime Transportation.</td>
<td>February 25, 2010</td>
</tr>
<tr>
<td>111-95</td>
<td>“A Review of Coast Guard Acquisition Programs and Policies.”</td>
<td>Subcommittee on Coast Guard and Maritime Transportation.</td>
<td>March 11, 2010</td>
</tr>
</tbody>
</table>
318

Printed Hearings

March 17, 2010

111-97 “FAR’s Oversight of On-Demand Aircraft Operations.”
Subcommittee on Aviation.
March 17, 2010

111-98 “Snow Disasters for Local, State and Federal Governments in the National Capital Region: Response and Recovery Partnerships with FEMA.”
March 23, 2010

March 24, 2010

111-100 “Recovery Act: Progress Report for Highway, Transit, and Wastewater Infrastructure Formula Investments.”
Full Committee.
March 26, 2010

Subcommittee on Highways and Transit.
April 14, 2010

111-102 “Proposals for a Water Resources Development Act of 2010, Part II.”
Subcommittee on Water Resources and Environment.
April 15, 2010

111-105 “High-Speed Rail Grants Awarded Under the Recovery Act.”
Subcommittee on Railroads, Pipelines, and Hazardous Materials.
April 20, 2010

111-104 “NextGen: Long-Term Planning and Interagency Cooperation.”
Subcommittee on Aviation.
April 21, 2010

111-105 “The Department of Transportation’s Oversight and Management of Hazardous Materials Special Permit and Approvals.”
Full Committee.
April 22, 2010

111-106 “Status of the Coast Guard Civil Rights Programs and Diversity Initiatives.”
Subcommittee on Coast Guard and Maritime Transportation.
April 27, 2010

111-107 “Protecting and Restoring America’s Great Waterways, Part II: The Columbia River and San Francisco Bay.”
Subcommittee on Water Resources and Environment.
April 28, 2010

111-108 “Proposed Fiscal Year 2011 Budgets for Regional Economic Development Commissions, Priorities and Impacts on Regional Economies and Employment.”
April 29, 2010

111-109 “Intercity High-Speed Rail Connections.”
Subcommittee on Railroads, Pipelines, and Hazardous Materials.
May 3, 2010

111-110 “Assessing the Implementation and Impacts of the Clean Truck Program at the Port of Los Angeles and the Port of Long Beach.”
Subcommittee on Highways and Transit.
May 5, 2010

111-111 “Priorities for Disasters and Economic Disruption: The Proposed FY2011 Budgets for FEMA and EPA.”
May 6, 2010

111-112 “Deepwater Horizon: Oil Spill Prevention and Response Measures, and Natural Resource Impacts.”
Full Committee.
May 19, 2010

111-113 “Implementation of the Pipeline Inspection, Protection, Enforcement and Safety Act of 2006 and Reauthorization of the Pipeline Safety Program.”
Subcommittee on Railroads, Pipelines, and Hazardous Materials.
May 20, 2010
### Printed Hearings

| 111-122 | “Foreign Vessel Operations in the U.S. Exclusive Economic Zone.” | Subcommittee on Coast Guard and Maritime Transportation. June 17, 2010 |
| 111-126 | “Update on Federal Maritime Commission’s Examination of Vessel Capacity.” | Subcommittee on Coast Guard and Maritime Transportation. June 30, 2010 |
| 111-130 | “Status of the U.S.-Flagged Vessels in U.S.-Foreign Trade.” | Subcommittee on Coast Guard and Maritime Transportation. July 20, 2010 |
Printed Hearings

111-132 “Pipeline Safety: Public Awareness and Education.”
Subcommittee on Railroads, Pipelines, and Hazardous Materials.
July 21, 2010

111-133 “Recovery Act: Progress Report for Infrastructure Investments.”
Full Committee.
July 27, 2010

111-134 “Enbridge Pipeline Oil Spill in Marshall, Michigan.”
Full Committee.
September 15, 2010

111-135 “Pilot Flight and Duty Time Rule.”
Subcommittee on Aviation
September 16, 2010

111-136 “Residential Through-the-Fence Agreements at Public Airports: Action to Date and Challenges Ahead.”
Full Committee.
September 22, 2010

111-137 “Five Years after Katrina: Where We Are and What We Have Learned for Future Disasters.”
September 22, 2010

111-138 “Recovery Act Transportation and Infrastructure Projects: Impacts on Local Communities and Business.”
Full Committee.
September 29, 2010

111-139 “Continuing Examination of U.S.-flagged Vessels in U.S. Foreign Trade.”
Subcommittee on Coast Guard and Maritime Transportation.
September 29, 2010

111-140 “Impact of Green Infrastructure and Low-Impact Development on the Nation’s Water Quality, Economy and Communities.”
Subcommittee on Water Resources and Environment.
September 30, 2010

111-141 “The Congressional Workplace Safety: Safety Concerns and Future Plans.”
September 30, 2010

111-142 Summary of Legislative and Oversight Activities of the Committee on Transportation.
January 2011