

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
OVERSIGHT PLAN FOR THE 111TH CONGRESS

February 12, 2009

In the 111th Congress, the Committee on Transportation and Infrastructure will actively review the activities of government agencies and entities within its jurisdiction and the public and private interests that they affect or regulate. The Committee will provide oversight to ensure that these agencies and entities implement the laws, programs, and policies within the Committee's jurisdiction in a manner that is consistent with Congressional intent and the principles of good governance. As appropriate, the Committee will also investigate ways to improve the overall performance and operation of the agencies and entities, and eliminate fraud, waste, abuse, and mismanagement.

The oversight function is performed by the full Committee and each of the Committee's six Subcommittees. The Committee¹ will continue to exercise its oversight duties through its own staff as well as through work performed at the Committee's request by the Government Accountability Office (GAO) and the various Inspectors General within their respective agencies and departments. Oversight activities may include hearings, briefings, correspondence, reports, media releases, and public statements.

On January 22, 2009, GAO released the biennial update to its list of Federal programs, policies, and operations that it considers to be at "high risk" for waste, fraud, abuse, and mismanagement or in need of broad-based transformation. Although no new issues that fall under the jurisdiction of the Committee were added to the list, two issues remain on the list from prior years. In 2003, GAO added "Managing Federal Real Property", to the list, citing "long-standing problems, including excess and underutilized property, deteriorating facilities, and reliance on costly leasing." In 2007, "Funding the Nation's Surface Transportation System" was added to the list after GAO concluded that, "many current surface transportation programs are not effective at addressing key challenges, federal goals are numerous and sometimes conflicting, roles are unclear, programs lack links to the performance of the transportation system or of the grantees, and programs in some areas do not use the best tools and approaches to ensure effective investment decisions." GAO removed one issue within the Committee's jurisdiction from the 2009 High-Risk Series – "FAA Air Traffic Control Modernization Program". However, removal does not signify that no concerns remain in the modernization program, only that progress is ongoing. The Committee will continue to monitor the Federal Aviation Administration's air traffic control modernization program.

Consistent with the Rules of the House of Representatives adopted for the 111th Congress, the Committee will hold hearings on the programs within the Committee's jurisdiction on the 2009 "high-risk" list. The new rules also require the Committee to hold at least one hearing every 120 days on "waste, fraud, abuse, or mismanagement in Government programs which that committee may authorize." These hearings will focus on "the most egregious instances of waste, fraud, abuse, or mismanagement," as documented by any report that the Committee has received from an Inspector General or GAO. Finally, the Committee will hold hearings if any agency has received disclaimers on its agency financial statements.

¹ Reference to "the Committee" encompasses all efforts and activities undertaken by Committee members, whether at the Subcommittee or full Committee level.

State of the Economy and Transportation Industry

The 111th Congress will address troubling economic conditions that affect the transportation industry and other sectors within the Committee's jurisdiction. These conditions present unique oversight challenges.

As of January 2009, 11.6 million workers are unemployed in the United States. From the start of the recession in December 2007 through January 2009, the number of unemployed workers has increased by 4.1 million. The construction sector has been particularly hard hit. It has lost 995,000 jobs in the past two years and the unemployment rate in construction is 18.2 percent. Both manufacturing and construction rely heavily on transportation systems to move raw materials, and such systems have suffered in response to softening demand. Businesses and individuals facing difficult economic times also reduce spending on discretionary items such as travel. Domestic revenue passenger enplanements declined 9 percent in September 2008 over September 2007.²

In an effort to facilitate economic recovery, Congress is considering legislation that will provide significant funding for projects likely to create new jobs and improve demand in secondary markets for the manufacture and transport of raw materials. When such legislation is enacted, a considerable infusion of cash will be made available for use within a very short time. The Committee will be vigilant in its oversight of projects within its jurisdiction that are funded by the legislation. The Committee will closely monitor the action of States and other grant recipients to ensure that they award contracts in a timely manner and in compliance with Federal contracting statutes and regulations, monitor project schedules and budgets, and ensure that materials and construction meet design specifications. The Committee will also verify whether projects are meeting their stated employment and productivity goals.

Another challenge that the transportation industry faces is widely fluctuating fuel prices. Crude oil prices doubled between July 2007 (\$73) and July 2008 (\$145), then dropped precipitously in the final months of 2008. On January 14, 2009, the per-barrel price of light sweet crude oil was \$36.³ These price swings significantly affect the costs of moving people and goods, which in turn affect the price consumers pay for transportation services and goods. They also impact revenue associated with various fuel taxes which are used to finance infrastructure improvements. For example, Highway Trust Fund revenues fell below projected levels in 2008, causing a shortfall. Congress authorized \$8 billion in motor vehicle user-fee revenues to be restored to the Trust Fund's Highway Account that were transferred to the General Fund by the 1998 surface transportation reauthorization law⁴ to ensure that highway and transit programs would continue to be funded at authorized levels. It is imperative that aggressive oversight be in place to ensure the long term viability of the Highway Trust Fund.

² Bureau of Transportation Statistics, US Department of Transportation. September 2008 is the last month for which data is available.

³ New York Mercantile Exchange (NYMEX)

⁴ Transportation Equity Act for the 21st Century (TEA-21)

1. H.R. 1, the “American Recovery and Reinvestment Act of 2009”

On January 28, 2009, the House passed H.R. 1, the “American Recovery and Reinvestment Act of 2009”, to make 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. The bill aims to create and save three to four million jobs and facilitate economic recovery. The bill proposes \$66 billion of infrastructure investment to enhance the safety, security, and efficiency of our highway, transit, rail, aviation, environmental, inland waterways, public buildings, and maritime transportation infrastructure. With this swift and substantial influx of funds, it is imperative that the Committee exercise aggressive oversight to ensure that funds are obligated quickly and in accordance with Congressional intent. Specifically, the Committee will:

- Require agencies to adhere to timelines and reporting requirements established in Chairman Oberstar’s “Process for Ensuring Transparency and Accountability in Use of Economic Recovery Supplemental Funds” (<http://transportation.house.gov>), a rigorous plan to require agencies to demonstrate progress in achieving the Act’s goals. The reporting deadlines begin 10 days after receipt of allocations and extend through the life of the funds.
- Conduct a series of hearings regarding each agency’s plans and efforts to obligate the funds.
- Require GAO and each of the Inspectors General of agencies within the Committee’s jurisdiction receiving Recovery Act funds to report on potential program risks and oversight challenges in the economic recovery process. Require each entity to report to Congress, and make public, its oversight plans to ensure program integrity and prevent waste, fraud, and abuse.
- Coordinate oversight activities with the newly created Recovery Act Accountability and Transparency Board, and review the Board’s “flash” reports, quarterly reports, and annual reports.

2. Infrastructure Needs and Investment

AVIATION

Airport Infrastructure Investment. Review airport infrastructure programs of the Federal Aviation Administration (FAA) and the funding levels necessary to meet airport investment needs. The Airport Improvement Program (AIP) funds projects for new and improved facilities at airports, including runways, taxiways, terminal buildings, land acquisition, and noise abatement. Periodic legislative authorizations of the AIP are needed. Each reauthorization act sets forth the method by which AIP funds are distributed among the various airports in the nation. Airport infrastructure improvements are also accomplished through an airport fee known as the Passenger Facility Charge (PFC). PFC revenue can be added to the passenger’s ticket price, collected by the airlines, and then turned over to the airport imposing the fee. Airport funding issues will be addressed in upcoming FAA reauthorization legislation.

Federal Aviation Administration Funding. Examine the FAA's aviation programs, evaluate the financial condition of the Airport and Airway Trust Fund and determine funding requirements for the Next Generation Air Transportation System. The FAA's financing system provides revenue for the Airport and Airway Trust Fund, the authorization for which will expire on March 31, 2009. The Trust Fund was established to fund, in whole or part, the development of a nationwide airport and airway system; FAA investments in air traffic control (ATC) facilities; AIP grants for construction and airport safety projects; Facilities and Equipment (F&E), Research, Engineering, and Development (RE&D); and FAA salaries, expenses, and operations. The Trust Fund has routinely seen less revenue than FAA-forecasted amounts, and recent traffic declines as a result of the deepening economic recession have exacerbated the funding shortfall. These issues will be addressed in upcoming FAA reauthorization legislation.

HIGHWAYS AND TRANSIT

Investment in the Surface Transportation Network. Evaluate the effectiveness of the level of spending authorized under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) toward meeting the nation's infrastructure needs. Monitor areas where more investment is needed to avoid continued safety and mobility problems, including structurally deficient bridges, freight bottlenecks, and overcrowded transit systems. Assess the effectiveness of Federal policy and the States' Federal-aid project selection in meeting the nation's current and future surface transportation infrastructure needs. Evaluate efforts to improve our national economy through surface transportation infrastructure investments, and track job creation occurring as a result of these investments. Ensure accountability of Department of Transportation agencies and grant recipients in Federally-aided projects.

Future Surface Transportation Needs. Examine long-term surface transportation policies and investments needed to strengthen our economy and ensure our quality of life. Determine the expected uses of our surface transportation system in the longer term in regards to both freight and passenger mobility, to support decision-making about infrastructure policies and investment.

Financing Investments in Surface Transportation. Monitor the status and solvency of the Highway Trust Fund and its ability to fully fund the programs authorized under SAFETEA-LU. Continue to evaluate all current and potential methods of financing, including the Federal motor fuel excise tax and alternatives to the current gas tax, including vehicle-miles traveled systems, infrastructure banks, and public-private partnerships, to determine any and all appropriate methods of financing to be considered to provide a funding source for infrastructure investment. Explore options to address the declining purchasing power of the current user fee, and the erosion of revenue due to increasing fuel efficiency and alternative fuels usage. Monitor States' use of public-private partnerships to both monetize existing infrastructure and to build new infrastructure, and determine the level of public benefit derived from each of these models and how best to ensure the protection of the public interest.

RAILROADS, PIPELINES AND HAZARDOUS MATERIALS

Passenger and Freight Rail Infrastructure Needs. Examine the roles of passenger and freight railroads in the United States economy. Monitor the impact of the current economic crisis on the railroad industry and its employees. Analyze the benefits of utilizing passenger and freight rail to move goods and people, including environmental and energy benefits. Explore the investment

needs for freight and passenger rail, including high-speed rail, and any financing opportunities to ensure adequate investment in the mode.

WATER RESOURCES AND ENVIRONMENT

Clean Water Infrastructure Needs. Examine the nation’s wastewater infrastructure needs and the growing infrastructure spending gap between wastewater infrastructure needs and annual Federal, state, and local expenditures. Determine the impact of declining Federal appropriations for the Clean Water State Revolving Fund on Federal and state efforts to improve the quality of the nation’s waters and on the overall economic and environmental health of the United States. Evaluate potential short- and long-term financing options to address wastewater infrastructure needs.

Water Resources Development Projects. Examine the current construction and operation and maintenance needs of water resources projects carried out the U.S. Army Corps of Engineers, and the funding levels necessary to address the nation’s future needs for navigation, flood damage reduction, and environmental restoration. Estimate the expected uses of existing and future water resources projects in regards to the movement of goods and services, the protection of public health and safety, and the protection of the environment, in order to support decision-making on project development and funding.

3. Facilities, Equipment, and Real Property

AVIATION

Air Traffic Control Facility Condition. Oversee the FAA’s efforts to improve management and maintenance of ATC facilities. Terminal radar approach control centers, towers, and en-route ATC facilities are, on average, relatively old, and are in “fair to poor” condition using the General Services Administration (GSA) Facility Condition Index criteria. Numerous buildings have severe maintenance problems; and FAA employee reports of health-related problems due to facility conditions are increasing. FAA managers acknowledge a substantial maintenance backlog of between \$250 and \$350 million for repairs at hundreds of facilities. Yet, the FAA’s annual budget for facility maintenance and improvement for FY 2006 and FY 2007 was less than \$60 million in each year. Upcoming FAA reauthorization legislation will address these funding issues. Oversight will focus on the FAA’s efforts to utilize this funding to address the backlog of needs.

COAST GUARD AND MARITIME TRANSPORTATION

Coast Guard’s Acquisitions Efforts. Oversee the Coast Guard’s organization of a new Acquisitions Directorate, which is planned to manage all of the Service’s procurement initiatives and to serve as the lead systems integrator for the \$24 billion Deepwater program. Monitor the Coast Guard’s maintenance of its legacy assets and its on-going procurement of non-Deepwater assets, including the National Distress and Response System Modernization (Rescue-21). The acquisition baseline for the Rescue-21 project was \$250 million as adopted on April 16, 1999; at that time, the project was to be completed in fiscal year 2006. The baseline for this project has been revised five times. The acquisition baseline now stands at nearly \$1.1 billion and the projected completion date is fiscal year 2017.

ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS, AND EMERGENCY MANAGEMENT

Capital Investment and Leasing Program. Ensure that each prospectus of the General Services Administration to repair, alter, construct and lease property for use by Federal agencies, is cost-effective, consistent with existing Federal policies and in the best interests of the United States.

Real Property Management. Over the past several years, GSA has become increasingly interested in improving the management of its real property assets across the country through the use of enhanced property management tools. These tools include outleasing, public-private partnerships, and the sale or disposal of under-performing properties. Closely monitor GSA's management of its real property.

General Services Administration Lease Authority Delegation. Under Title 40 of the United States Code, the Administrator of General Services may delegate to other Federal agencies the authority to lease space. In recent years, the Committee has limited the Administrator's exercise of that delegation when authorizing lease prospectuses. Review the Administrator's lease delegation practices and, if necessary, consider further steps regarding its use in a GSA reform bill.

GSA Broker Contracts. On October 4, 2004, GSA awarded four contracts as a part of its national brokerage program. Under this program, the four contractors perform at least 50 percent of GSA's lease acquisition activities nationwide and on a regional basis. Examine the program's implementation, including how GSA will address some of the systemic weaknesses in the program identified by the Committee, the GSA Inspector General, and the Government Accountability Office, including the use of brokers who also represent owners.

National Capital Region. Continue to monitor GSA activities in the National Capital Region, including the redevelopment of the Old Post Office Pavilion, the development of the North of Massachusetts Avenue ("NOMA") corridor, and several other smaller development and construction projects.

Administrative Office of the Courts (AOC). Oversee the courthouse construction program as well as the AOC's ongoing efforts to find efficiencies and reduce its projected capital and operating costs. Review the AOC's Design Guide and the five-year courthouse construction plan proposed by the AOC, and analyze the courtroom utilization study.

Department of Homeland Security Headquarters. Monitor the General Services Administration's procurement strategy for consolidating the Department of Homeland Security on the St. Elizabeth's Campus.

Architect of the Capitol. Oversee projects being undertaken by the Architect of the Capitol, including redevelopment of the O'Neill House Office Building site, new office space, acquisition and construction of a command and control center for the Capitol Police, as well as the development of a Master Plan for the Capitol Complex.

Smithsonian Institution Facilities Assessment. Review the acquisition, construction, and use of local and remote museums, research, storage facilities of the Smithsonian Institution and the capital maintenance and repair backlog.

John F. Kennedy Center for the Performing Arts. The John F. Kennedy Center for the Performing Arts was reauthorized during the 110th Congress for an additional four years. Review the construction, alteration, and modernization activities of the Kennedy Center that are conducted using Federal funds.

4. Safety

AVIATION

Foreign Repair Stations. Review the FAA's oversight of foreign repair stations and ensure that the FAA has adequate resources to oversee organizations that are conducting outsourced maintenance work. Many commercial air carriers have closed their own maintenance bases and have increased their use of outside maintenance providers to perform critical long-term maintenance, including: airframe repairs, aging aircraft modifications, engine overhauls, and advanced avionics maintenance.

Runway Safety. To address runway safety, the FAA has developed a plan to improve runway safety through a mixture of technology deployment, increased markings, and employee training programs. In FY 2008, there were 25 serious runway incursions. Oversight will focus on the FAA's progress in implementing its plan, determine how successful the plan is, and study ways that the plan can be strengthened.

Fatigue in the Aviation Environment. Fatigue has become an area of concern due to air traffic controllers working longer days for sustained periods, and pilot and crew scheduling during long range operations. The FAA conducted a Fatigue Symposium in 2008 involving aviation stakeholders to study the issue of fatigue and what all parties can do to mitigate its effects. Oversight will focus on the FAA's work to reduce fatigue of crewmembers in ultra-long range flights and air traffic controllers.

FAA Regulatory Oversight. Several Committee investigations in the 110th Congress revealed major systemic problems with FAA regulatory oversight, and the development of an overly "cozy" relationship between the FAA and the operators and manufacturers it is charged with regulating. In 2008, the House passed legislation to reform regulatory oversight including: (1) rotating head inspectors every five years, (2) creating post-employment restrictions for inspectors, (3) establishing an independent aviation safety whistleblower investigation office, (4) clarifying that FAA's "customers" are the flying public, not air carriers, and (5) reviewing and auditing FAA safety databases. Similar legislation will be introduced in the 111th Congress. Oversight will focus on FAA's efforts to ensure air carrier safety and to restore an appropriate balance in enforcement within the industry.

National Transportation Safety Board (NTSB). Monitor all NTSB safety recommendations, and evaluate whether they are being appropriately addressed by the FAA and other agencies. The NTSB investigates many transportation accidents, including all aviation accidents, and major

highway, railroad, pipeline, maritime, and public transit accidents. After investigating an accident, the NTSB determines the probable cause(s) of the accident and issues a formal report. The NTSB is statutorily required to make a “probable cause” determination for all aviation accidents. In addition, the NTSB analyzes incident trends and other metrics and issues safety recommendations as it deems appropriate.

COAST GUARD AND MARITIME TRANSPORTATION

Marine Safety. Monitor the Coast Guard’s reform of its marine safety and casualty investigations program, as described in the “Marine Safety Performance Plan” for FY 2009-2014 promulgated by the Coast Guard in November 2008. Ensure that Coast Guard personnel in the marine safety program have the expertise and experience necessary to carry out the complex tasks of inspecting United States and foreign vessels and investigating maritime casualties in a manner that provides meaningful information on how to prevent future casualties.

Recreational Boating Safety. Monitor the Coast Guard’s oversight of state recreational boating safety programs in the United States to prepare for reauthorization of the Wallop/Breaux Sport Fish Restoration and Boating Trust Fund, which provides funding to the States for boating safety programs. Boating deaths dropped in 2007 to 685, but accidents increased from 4,967 to 5,191, injuries rose from 3,474 to 3,673, and damages rose from \$43,670,424 to \$53,106,496.

Search and Rescue. Investigate the performance of the Coast Guard Search and Rescue (SAR) mission, paying particular attention to the impact of the merging of Marine Safety Offices and Groups on SAR mission execution. Several recent SAR cases illustrate continuing communications and command failures that have delayed responses to mariners in distress.

Coast Guard Equipment Standards and Regulations. Examine Coast Guard procedures and policies for approving new and innovative emergency rescue devices, with particular attention to the impacts of current policies and practices on the evaluation of innovations developed by individuals and small businesses. Inventors and developers of new emergency rescue equipment frequently encounter bureaucratic roadblocks because the Coast Guard is using safety standards that have not been revised since the 1940s.

Piracy on the High Seas. Examine the causes of international piracy and its effects on international shipping, particularly in the Horn of Africa region. Piracy poses an increasing threat to global shipping as it grows in frequency, range, aggression, and severity in the Gulf of Aden and the Indian Ocean. Examine the effectiveness of United States and international efforts to mitigate pirate attacks on chemical and oil tankers, freighters, cruise ships, yachts, and fishing vessels and examine the economic impacts of piracy.

HIGHWAYS AND TRANSIT

Highway Safety. Determine the effectiveness of the National Highway Traffic Safety Administration’s (NHTSA) programs in reducing the rate and number of traffic fatalities and injuries for all transportation users, including motorcyclists, bicyclists, and pedestrians. Evaluate the impact of NHTSA’s programs in areas including impaired driving, seat belt use, and high visibility enforcement. Examine emerging areas of concern, including older drivers, younger drivers, and distracted driving. Study the efficacy of penalties and incentives in improving States’ highway safety

performance. Assess the effectiveness of the new core highway initiative – the Highway Safety Improvement Program – authorized under SAFETEA-LU in enhancing the safety of our surface transportation infrastructure.

Motor Carrier Safety. Ensure that the Federal Motor Carrier Safety Administration (FMCSA) fully implements mandates included in the Motor Carrier Safety Improvement Act of 1999 and SAFETEA-LU. Monitor FMCSA’s efforts to improve safety and reduce fatalities from truck and bus crashes on our nation’s roads; enforce motor carrier safety regulations; collect accurate, timely, and complete data on motor carriers; verify compliance among high risk carriers with Federal safety regulations; levy fines and penalties against companies who are out of compliance; and deny operating authority to companies that fail to meet Federal registration and insurance requirements. Assess FMCSA’s effectiveness in improving motor coach safety and reducing motor coach accidents and fatalities.

Cross-Border Commercial Vehicle Transportation. Monitor the status of cross-border trucking and motor coach operations between the United States and Mexico, and assess compliance with safety regulations by Mexico-domiciled motor carriers operating on United States roadways. Oversee legal and safety implications of the Department of Transportation’s cross-border trucking pilot program, initiated on September 6, 2007.

RAILROADS, PIPELINES, AND HAZARDOUS MATERIALS

Pipeline Safety. Monitor implementation of the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006. Conduct oversight of the Pipeline and Hazardous Materials Safety Administration’s enforcement and rulemaking activities related to pipeline safety. Review the pipeline safety program and any long-standing pipeline safety concerns in preparation for reauthorization of the pipeline safety program.

Hazardous Materials Safety. Review implementation of the Hazardous Materials Transportation Safety and Security Reauthorization Act of 2005 in preparation for reauthorization of the hazardous materials safety program. Conduct oversight of the Pipeline and Hazardous Materials Safety Administration’s enforcement and rulemaking activities related to hazardous materials safety.

Rail Safety. Monitor implementation of the Rail Safety Improvement Act of 2008, including implementation of the mandate for installation of positive train control. Conduct oversight of the Federal Railroad Administration’s rulemaking and enforcement activities. Review new technologies that could enhance rail safety and security.

5. Transportation Policy

AVIATION

Financial Condition of the United States Airline Industry. Monitor the health of the airline industry and the potential impacts of any industry consolidation. United States commercial aviation contributes approximately \$1.2 trillion in United States economic output and approximately 10.8 million United States jobs. Industry operating expenses increased 4.1 percent in 2007—driven primarily by the increase in crude oil and jet fuel prices. Although airlines saw a net profit of almost

\$5 billion in 2007, losses for the nine largest carriers in 2008 totaled \$4 billion. Cumulatively from 2001-2008, airlines lost \$31 billion. Financially-driven downsizing, bankruptcies, and/or consolidation can result in negative consumer impacts, including reduced quality and levels of service, and increased costs. Oversight will focus on ensuring that airlines minimize the harms to consumers as a result of financial duress.

International Aviation Agreements and Foreign Investment. Oversee international aviation agreements. International aviation relationships are typically governed by bilateral aviation agreements. Since the mid-1990s, United States aviation policy has been to seek “Open-Skies” agreements with aviation partners, which allow airlines of each signatory country the freedom to establish rates, routes, and services between the two (or more) participating countries based on commercial considerations. The United States currently has 94 Open Skies partners. On March 2, 2007, the United States and the European Union (EU) reached agreement on the text of a first-stage comprehensive air transport agreement and related Memorandum of Consultations. The Open Skies agreement, which went into effect in March 2008, grants new rights for United States and EU air carriers. The first round of second-stage United States-EU negotiations on air services liberalization took place in May 2008, and the second round took place on September 22, 2008. Foreign investment remains an outstanding issue for the EU. Any changes in the foreign investment regime applicable to United States airlines would require Congressional action. A third round of negotiations will be held in spring 2009.

Airline Consumer Protection. Review competitive practices within the airline industry to ensure that consumers are afforded adequate protection from anticompetitive or harmful business practices. Ensure that airlines are making appropriate disclosures concerning their fares, restrictions, fees, and other policies. Determine whether such disclosures are reasonably informative and provide accurate and comprehensible information to consumers.

COAST GUARD AND MARITIME TRANSPORTATION

Federal Maritime Commission and Regulation of International Shipping. Examine the regulation of international shipping by the Federal Maritime Commission. In particular, review the impact of the elimination of antitrust immunity for ocean carriers by the EU on shipping between Europe and the United States; the ability of carriers to collectively set rates, surcharges, and limit capacity; and the regulation of port activities by the Commission.

HIGHWAYS AND TRANSIT

Surface Transportation Policies. Continue to evaluate and assess the implementation of surface transportation policies enacted in SAFETEA-LU and prior acts. Determine necessary programmatic and policy changes to be included in the surface transportation authorization legislation that the Committee will consider in the 111th Congress. Examine the effectiveness of the programs authorized under SAFETEA-LU in reducing congestion and improving traveler experience, ensuring safety and security, and protecting our environment. Oversee activities of the Department of Transportation to ensure adherence to Congressional intent in the implementation of its programs and activities, in areas including the approval of New Starts projects and the use of discretionary funds for unauthorized programs such as the Urban Partnership initiative.

RAILROADS, PIPELINES, AND HAZARDOUS MATERIALS

Amtrak. Monitor implementation of the Passenger Rail Investment and Improvement Act of 2008. Continue to conduct oversight of Amtrak's performance and operations. Continue to conduct oversight of Amtrak's Board of Directors, which is responsible for ensuring the efficient and effective operation of Amtrak.

6. Workforce and Staffing

AVIATION

Controller Workforce Staffing. Monitor implementation by the FAA of its Controller Workforce Plan. FAA controllers staff 316 Federally-operated facilities. To address expected air traffic controller retirements, more than 17,000 controllers will need to be hired through FY 2017. Replacing a controller who retires must begin several years in advance. Since the end of FY 2005, the FAA has hired more than 5,000 controllers, and anticipates hiring about 1,900 in 2009. However, hiring new controllers is a complex process. Controllers are highly skilled professionals and it takes several years to train a controller. The failure rate for controller trainees in both the FAA Academy and in the ATC facilities is approximately four percent and 10 percent, respectively. Ensure that the FAA has the necessary programs in place to adequately staff the ATC system, with a particular emphasis on the ability of the agency to replace the growing number of retiring controllers.

COAST GUARD AND MARITIME TRANSPORTATION

Coast Guard Diversity. Monitor the Coast Guard's progress on implementing initiatives to increase the recruitment, promotion, and retention of minority personnel, including enrollments at the Coast Guard Academy, and accessions from all sources to the Coast Guard's officer corps and enlisted ranks. Assess the effectiveness of the Commandant's Diversity Initiatives and determine whether the necessary legal authorities exist to recruit, retain and promote a diverse workforce.

Mariner Licensing and Documentation. Monitor the consolidation of all mariner licensing and documentation at the National Maritime Center in Martinsburg, West Virginia. Since July 2008, the gross processing time for merchant marine licenses has been 83 days, with a median time of 52 days. However, mariners with medical review issues can wait up to 90 days just for the medical review to be completed. Mariners are reporting substantial delays in the issuance of license renewals, which can cause them to lose their jobs at a time when unemployment rates reach unprecedented levels.

HIGHWAYS AND TRANSIT

Surface Transportation Workforce and Worker Development. Determine the effectiveness of programs authorized under SAFETEA-LU to develop and train the surface transportation workforce. Review the success of the University Transportation Centers program in training and developing the next generation of the surface transportation workforce. Continue to monitor the issue of unemployment in the construction industry and efforts to put people back to work through the economic recovery legislation.

Surface Transportation Workforce Diversity. Assess the extent to which socially and economically disadvantaged groups are given opportunities to train for and enter the surface transportation workforce. Evaluate the success of programs authorized under SAFETEA-LU designed to increase participation in Federally-funded projects by socially and economically disadvantaged individuals or businesses. Oversee States' compliance with targets for minority and women participation in Federally-funded surface transportation projects.

Improving Commercial Driver Safety. Monitor Federal and state efforts to ensure that commercial driver's license (CDL) holders are medically fit, physically qualified, and in compliance with Department of Transportation (DOT) drug and alcohol testing procedures and other safety standards. Ensure that the Federal Motor Carrier Safety Administration fully implements mandates related to medical qualifications and licensing requirements for commercial drivers included in the Motor Carrier Safety Improvement Act of 1999 and SAFETEA-LU. Monitor States' efforts to upgrade data systems to facilitate sharing of commercial driver records among States. Continue oversight of revised DOT hours-of-service rules and their implications for driver fatigue and safety.

WATER RESOURCES AND ENVIRONMENT

Levee Safety Commission. Review and monitor the recommendations of the National Committee on Levee Safety in its report to Congress regarding a National Levee Safety Program. Oversee the ongoing inventory and inspection of Federal and non-Federal levees, the ongoing creation of a national levee database to determine the location and general condition of existing Federal and non-Federal levees, and an estimate of the number of structures and population at risk and protected by each levee that would be impacted if the levee fails or water levels exceed the height of the levee.

7. Research and Development

HIGHWAYS AND TRANSIT

Surface Transportation Research and Development. Oversee the progress of the Research and Innovative Technology Administration (RITA) in meeting its mission to coordinate, facilitate, and review the research programs conducted by the Department of Transportation (DOT). Assess the highway and transit research, development, and deployment programs authorized under SAFETEA-LU and their effectiveness and necessity in meeting national surface transportation needs, including reducing congestion, improving safety, and mitigating the negative impacts of the surface transportation system on the environment. Assess the extent to which Federally-aided research is being adequately disseminated and made available to practitioners.

WATER RESOURCES AND ENVIRONMENT

Energy and Water-efficient Improvements to Wastewater Treatment Technology. Examine advancements in wastewater treatment technologies and management approaches that can provide public health and environmental benefits similar to, or greater than, traditional wastewater infrastructure projects, in a more-cost effective, sustainable, and environmentally-sensitive manner. Evaluate technologies, such as on-site source controls that capture stormwater, pervious pavement, green roofs, stream buffers, and other technologies and management approaches that promote water reuse and efficiency and protect water quality. Determine the extent to which such technologies and

approaches can provide the same, or greater, public health and water quality benefits at reduced cost, including capital investment and long-term operation and maintenance. Explore the potential for implementation of energy-efficient technologies at publicly owned wastewater treatment facilities to determine whether such technologies can provide the same or improved treatment of the nation's wastewater in a more cost-effective, and environmentally-sensitive manner.

8. Environment

AVIATION

Emissions Trading. Monitor international developments in emissions trading and determine the impact on United States air carriers and the industry. In 2008, the European Union (EU) Council of Ministers adopted a directive to cover civil aviation under the EU Emissions Trading Scheme (ETS), which is intended to reduce carbon dioxide (CO₂) and other greenhouse gases. The directive unilaterally includes United States and other non-EU airlines and sidesteps the normal process for dealing with aircraft emissions through the International Civil Aviation Organization. Under the directive, emissions will be capped at 97 percent of the 2004-2006 level starting in 2012. Additionally, each airline would have to surrender emissions allowances for the entire duration of its trip, and would be required to pay the EU carbon allowances. The EU ETS offers no protection from additional taxes and fees put in place by EU Member States. The United States has led international opposition to the EU scheme, stating that it is unworkable, violates international aviation law, offers no protection from multiple charges, diverts revenue to subsidize EU industry and governments, and unilaterally mandates a single solution rather than a negotiated, performance-based approach that recognizes each country's sovereignty to implement appropriate measures.

COAST GUARD AND MARITIME TRANSPORTATION

Anti-Fouling System Control Act. Examine potential legislation to bring the United States into compliance with an international convention on hull-fouling systems such as organotin anti-fouling paint that is used to prevent the growth of aquatic organisms, including algae and barnacles, on ships' hulls. Determine whether and to what extent anti-fouling paints on hulls can have the unintended consequence of causing harm to the environment and human health.

Amendments to the Ocean Dumping Act. Determine the extent to which the United States is in compliance with the "1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter" from ships into the ocean. The review will include considering amendments to Subchapter I of the Marine Protection, Research and Sanctuaries Act of 1972 that are necessary to implement the Protocol.

Ship Disposal. Oversee the Maritime Administration's (MARAD) efforts to meet past-due statutory deadlines regarding disposal of "non-retention" vessels, which are Federally-owned vessels that are no longer operational due to severe deterioration. MARAD currently maintains more than 140 non-retention vessels that are in need of disposal at three locations: the James River Reserve Fleet in Virginia; the Beaumont Reserve Fleet in Texas; and the Suisun Bay Reserve Fleet in California. These vessels contain hazardous substances such as lead paint, asbestos, and solid and liquid polychlorinated biphenyls (PCBs). MARAD has failed to arrange for and fund the disposal of these ships in recent years. The Administration has not met the September 30, 2006 statutory

deadline for the disposal of all National Defense Reserve Fleet (NDRF) vessels not assigned to the Ready Reserve Force (RRF).

HIGHWAYS AND TRANSIT

Environmental Impacts of Surface Transportation. Monitor the effect that surface transportation infrastructure has on the environment, including its impact on global climate change. Examine the extent to which surface transportation policies, decision-making, and technologies are contributing to saving energy, reducing pollution, and minimizing greenhouse gas emissions. Review the extent to which surface transportation policies may be discouraging or hindering the use of environmentally-friendly modes of transportation, including public transit, walking, and biking. Assess the relationship between land use, development, infrastructure, and the environment, and examine the potential positive environmental impacts of planning methods such as transit-oriented development.

WATER RESOURCES AND ENVIRONMENT

Clean Water Act Jurisdiction. Monitor the impact of recent Supreme Court decisions and agency actions under the Clean Water Act, and how the decisions and actions affect progress toward meeting the Act's objective to restore and maintain the chemical, physical, and biological integrity of the nation's waters. Oversee the activities of the Environmental Protection Agency (EPA), the Army Corps of Engineers (Corps), and the individual States to ensure that their responsibilities under the Clean Water Act are being implemented in an effective and comprehensive manner consistent with the intent of the Act. Evaluate the capability of the Corps, EPA, and the States to meet the intent of the Act under the current statute.

Introduction of Aquatic Invasive Species. Monitor the implementation and enforcement of Federal and state efforts to control the introduction and spread of aquatic invasive species through ballast water and other vectors, and protect water quality and the aquatic environment. Monitor international attempts to require ballast water management under the International Convention for the Control and Management of Ships' Ballast Water and Sediments. Examine existing statutes related to the introduction of invasive species via ballast water and legislative options that would improve ballast water management. Investigate the Coast Guard's Shipboard Technology Evaluation Program (STEP) to demonstrate and evaluate emerging ballast water treatment technologies aboard vessels.

Oil Pollution Act of 1990. Oversee Federal efforts to prevent and respond to oil spills under the Oil Pollution Act of 1990 and the Clean Water Act, including a review of enforcement activities under oil spill prevention and response laws.

Environmental Protection Agency - Clean Water Act and Water Infrastructure Programs. Review wastewater treatment and water pollution control funding issues, including levels and sources of funding, management of grant and loan programs, and wastewater infrastructure and security needs. Oversee regulatory and non-regulatory approaches to water pollution control, including approaches to regulatory controls that are based on watersheds, markets, and performance; issues involving water quality standards; the establishment and implementation of total maximum daily loads; the development and application of new and revised effluent limitations; and compliance with the permitting programs of the Clean Water Act under section 402 (National

Pollutant Discharge Elimination System) and section 404 (the discharge of dredged or fill material). Oversee water quality monitoring and data collection and analysis, as well as efforts to eliminate or reduce combined and sanitary sewer overflows, urban and agricultural sources of stormwater, and nonpoint sources of pollution.

Ocean and Coastal Programs and Policies. Review dredged material management and disposal activities under the Ocean Dumping Act, various Water Resources Development Acts, and the Clean Water Act. Oversee various ocean and coastal water quality and shoreline protection issues under the Clean Water Act, the Coastal Zone Management Act, the Coastal Zone Act Reauthorization Amendments, and several Water Resources Development Acts.

Regional Water and Ecosystem Restoration Issues. Review regional and local projects, issues, and controversies involving water quality; water supply; water resources conservation, development, management, and policy; environmental protection; and flood damage reduction within the programs of the Corps of Engineers, Environmental Protection Agency, and other Federal water resource agencies.

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)/Superfund and Brownfields. Review efforts to improve the efficiency and effectiveness of the contaminated site cleanup process, and the process of assessing natural resources damages. Oversight may include a review of the pace of contaminated site cleanup, as well as the liability, financing, funding levels, settlement mechanisms, and procedures of the current Superfund program. Examine the role of the States in conducting and financing cleanups; review the relationships among the States, EPA, and other Federal entities in implementing the Superfund program; and review ongoing Federal, state, and local efforts to revitalize brownfields, including implementation of the Brownfields Revitalization and Environmental Restoration Act.

9. Agency Operations and Mission

AVIATION

Modernizing Air Traffic Systems and Facilities. Evaluate the Facilities and Equipment (F&E) program of the FAA, including modernization of the ATC system; determine the program's needs for equipment; and continue to monitor the FAA's oversight of its contract to operate and modernize flight service stations. Oversee the FAA's progress in implementing Next Generation Air Transportation System (NextGen) goals and airlines' installation of NextGen technology. NextGen is a major redesign of the air transportation system that will involve precision satellite navigation; digital, networked communications; an integrated weather system; and other features. Its goals are to improve the level of safety, security, efficiency, environmental performance, quality, and affordability of national airspace and aviation services. The FAA's modernization effort will be addressed in the upcoming FAA reauthorization legislation.

COAST GUARD AND MARITIME TRANSPORTATION

The Coast Guard's Traditional Missions. Oversee the Coast Guard's continuing effort to balance its traditional missions – such as search and rescue and marine safety – with the expanded homeland security missions it assumed after September 11, 2001. The Coast Guard is a unique

government entity that is both a uniformed military service and a Federal agency with regulatory and enforcement responsibilities. After the terrorist attacks of September 11th, the Coast Guard was identified as the lead Federal agency with responsibilities over maritime homeland security. The Coast Guard has incorporated these increased responsibilities with the many traditional missions that the service continues to carry out each day but the service now spends more than half of its mission hours performing homeland security functions. Continue to oversee the Coast Guard's mission performance to determine if the service has the resources necessary to both protect homeland security and carry out its important traditional missions in United States waters.

Marine Law Enforcement. Examine the Coast Guard's marine law enforcement missions including drug and migrant interdiction. Assess the service's response to the increasing use of submersible and semi-submersible vessels to smuggle drugs into the United States and assess the service's preparedness to respond to other emerging trends in drug smuggling. Assess the service's ability to adequately patrol the Caribbean region following the removal of eight patrol boats from service due to concerns about the vessels' safety.

Maritime Domain Awareness. Monitor the Coast Guard's interagency effort to enhance awareness of activities that occur within the maritime domain. Maritime domain awareness has been defined as the effective knowledge of all activities associated with the global maritime environment that could impact the security, safety, economy, or environment of the United States. The Security and Accountability for Every Port Act of 2006 ("SAFE Port Act") requires the Secretary of Homeland Security to establish interagency operational centers for port security at all high-priority ports not later than three years after the date of the enactment of the Act. The Maritime Transportation Security Act of 2002 and the Coast Guard and Maritime Transportation Act of 2004 require the Coast Guard to develop vessel tracking systems to enhance vessel identification and tracking capabilities in coastal waters and on the high seas. Oversee the development and expansion of these systems as well as other measures to improve overall maritime domain awareness.

ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS, AND EMERGENCY MANAGEMENT

Federal Emergency Management Agency (FEMA) Performance. Review and assess the nation's ability to prepare for, mitigate, respond to, and recover from all hazards and the activities of FEMA to advance this effort. Oversight hearings held by the Committee in the 110th Congress showed a deterioration of FEMA's effectiveness since the agency was subsumed into the Department of Homeland Security (DHS). Under DHS, FEMA's mission has shifted toward terrorism at the expense of natural disasters and other types of emergencies. The 109th Congress enacted legislation to elevate the agency's role within the Department of Homeland Security but did not restore FEMA as an independent agency. Oversight in the 111th Congress will focus on what steps are necessary to restore FEMA's role as a robust, effective emergency management agency at the Federal level.

Response to and Recovery from Disasters. Evaluate the response to and recovery from hurricanes and other disasters which struck the United States in 2008. In addition, assess the long-term recovery of the Gulf Coast from Hurricanes Katrina and Rita in 2005, including housing issues and community redevelopment. Review the Federal Government's response to disasters, including how assistance is provided and to whom, and how Federal, state, and local governments are preparing and coordinating their all-hazards efforts in advance of emergencies.

Economic Development Administration (EDA). The EDA's economic development assistance programs were authorized through fiscal year 2008. EDA is currently funded under a Continuing Resolution through March 6, 2009. Oversight will include a review of how EDA is meeting its mission; how it is using its authorities, including how funding decisions are made; and how recent budgetary changes are impacting the efficiency of the agency, in particular, the impact on personnel levels and the ability of the agency to deliver services to its users.

Regional Economic Development Commissions. Examine how the Appalachian Regional Commission (ARC) is meeting the needs of economically distressed counties and communities, how it uses new and innovative ways to promote economic development, and its track record of success. Closely examine the activities of the Delta Regional Authority, the Denali Commission, and the Northern Great Plains Regional Authority, and the economic development authorities newly established by 110th Congress – the Southeast Crescent Regional Commission, the Southwest Border Regional Commission, and the Northern Border Regional Commission.

HIGHWAYS AND TRANSIT

Role and Mission of the Surface Transportation Agencies. Oversee the work of the surface transportation of the Department of Transportation (DOT) agencies, including the Federal Highway Administration, National Highway Traffic Safety Administration, Federal Transit Administration, Federal Motor Carrier Safety Administration, and Research and Innovative Technology Administration, to ensure that their programs and projects follow Congressional intent and improve safety and mobility for all users. Examine the work of NHTSA and FMCSA to determine the extent to which their programs and projects enhance safety, which is cited in statute as both agencies' highest priority. Evaluate the current role and activities of RITA, and determine whether it is able to effectively fulfill its role as an intermodal coordinator of research within the Department of Transportation.

RAILROADS, PIPELINES, AND HAZARDOUS MATERIALS

Surface Transportation Board. Continue to conduct oversight of Surface Transportation Board activities and functions. Evaluate laws, regulations, and Board policies governing rail rates, service, and operations in general in preparation for reauthorization of the Board.

Railroad Retirement Board. Continue to conduct oversight of the activities and functions of the Railroad Retirement Board, the laws governing railroad retirement and unemployment, and the National Railroad Retirement Investment Trust.

WATER RESOURCES AND ENVIRONMENT

Army Corps of Engineers Water Resources Program. Review efforts to improve the efficiency and effectiveness of the organization and the management and mission of the civil works program of the Army Corps of Engineers (Corps). Examine the Corps' progress in implementing the projects and programs contained in the Water Resources Development Act of 2007 (P.L. 110-114), including section 2031, Water Resources Principles and Guidelines, section 2034, Independent Peer Review, and section 2036, Mitigation for Fish and Wildlife and Wetlands Losses. Evaluate the selection, planning, and implementation of water resources projects as well as the financing of harbor and inland waterways infrastructure. Examine the Corps' implementation of several large

scale environmental restoration activities, including the Florida Everglades, the Upper Mississippi River basin, and the Louisiana coastal area. In light of guidance released as a result of recent Supreme Court decisions, review the agency's regulatory programs, especially those pertaining to the permitting of activities affecting the waters of the United States.

Tennessee Valley Authority. Evaluate Tennessee Valley Authority (TVA) programs, including its energy program and its operations. Review the environmental performance and compliance record of TVA facilities, including TVA storage of coal combustion waste. Determine TVA's commitment to environmental stewardship, energy efficiency, reducing risks to human safety and the environment, and the adoption of renewable energy technologies, especially in relation to other power-generating entities across the nation.

Saint Lawrence Seaway Development Corporation. Evaluate the efficiency and effectiveness of the current operations and physical infrastructure of the Saint Lawrence Seaway Development Corporation (SLSDC), and identify any necessary improvements in the operation and capital assets of the Saint Lawrence Seaway. Review issues related to national security and the economy, the Seaway modernization efforts authorized in the Water Resources Development Act of 2007, and the relation of the SLSDC to its Canadian counterpart, the Saint Lawrence Seaway Management Corporation.

Natural Resources Conservation Service (NRCS) Small Watershed Program. Review the Small Watershed Program, authorized under P.L. 83-566, and conducted by the United States Department of Agriculture's Natural Resources Conservation Service, including the relationship between these programs and other conservation, environmental restoration, and flood control efforts.

10. Security

AVIATION

Aviation Security Programs. Oversee programs administered by the Department of Homeland Security and the Transportation Security Administration (TSA) on matters that directly affect the civil aviation system, including the implementation of explosive detection systems by the TSA. Oversee the implementation of provisions enacted in the Intelligence Reform and Terrorism Prevention Act of 2004 (P.L. 108-458) and the Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110-53) including strategic planning, pilot licensing, biometrics technology for airport access control, screening technology at airport passenger checkpoints and checked baggage systems, and missile defense systems for civil aircraft.

ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS, AND EMERGENCY MANAGEMENT

Federal Protective Service. As a part of the Homeland Security Act of 2002, the Federal Protective Service (FPS) was transferred from the Public Buildings Service of the General Services Administration to DHS; however, responsibility for the protection of Federal buildings generally remains with GSA. Determine whether FPS's placement in the Immigration and Customs Enforcement (ICE) division within DHS is fully utilizing FPS's strengths and capabilities.

Determine to what extent placing FPS, which is funded by a fee-for-service account, within ICE's appropriated account has contributed to financial confusion and potential mismanagement. Continue to review and make recommendations about FPS management; continue to review the policies, procedures, and requirements for security at Federal buildings, including a review of the implementation of these policies, procedures, and requirements by FPS.

HIGHWAYS AND TRANSIT

Surface Transportation Security. Monitor the state of preparedness to meet security needs in the transit, rail, and over-the-road bus industries. Ensure that Federal programs and activities help meet the security needs and funding priorities for mitigation of security threats against the nation's transportation infrastructure. Monitor implementation of the Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110-53), including the grant distribution mechanisms established by DHS to ensure that DHS is in compliance with the law.

RAILROADS, PIPELINES, AND HAZARDOUS MATERIALS

Rail Security. Continue to monitor implementation of the Implementing Recommendations of the 9/11 Commission Act of 2007. Conduct oversight of rail security in the United States, as well as the needs of railroads to ensure an appropriate level of security.