

OVERSIGHT PLAN OF THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

113TH CONGRESS

In accordance with Rule X of the House of Representatives, the Committee on Transportation and Infrastructure is responsible for determining whether laws and programs within its jurisdiction are being implemented according to Congressional intent and whether they should be continued, curtailed, or eliminated. In the 113th Congress, the Committee will review the activities of government agencies and entities within its jurisdiction and the public and private interests they affect or regulate. As appropriate, the Committee will investigate ways to improve the overall performance and operation of the agencies and entities it oversees, promote reform and cost savings, and eliminate fraud, wasteful spending, abuse and mismanagement where possible.

The oversight and investigation functions are vested at the Full Committee level. Oversight and investigation activities will be coordinated between the Full Committee and the Subcommittees. This structure will facilitate oversight of issues that cut across the jurisdiction of several Subcommittees. The Committee 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 will include hearings, briefings, correspondence, reports, media releases, and public statements.

The GAO provides Congress a biennial update on its High Risk Program, which identifies Federal programs and operations that it considers to be at high risk for waste, fraud, abuse, or mismanagement, or in need of broad reform. Consistent with the Rules of the House of Representatives, the Committee will hold hearings on the programs within the Committee's jurisdiction on GAO's "high-risk" list. The 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.

The Committee has identified several particular areas for oversight and investigation in the 113th Congress. These areas are organized by Subcommittee and discussed below:

SUBCOMMITTEE ON AVIATION

1. **Implementation of the FAA Modernization and Reform Act of 2012.** The "FAA Modernization and Reform Act of 2012" (FMRA) was signed into law on February 14, 2012. The FMRA authorizes funding for and reforms and revises the safety programs, air traffic control modernization (NextGen) efforts, and operations of the Federal Aviation Administration (FAA) through fiscal year 2015. This law also contains over 100 deadlines for Federal government action, including: rulemakings, program implementations, plans, studies and task force actions. The Subcommittee will closely oversee the FAA's efforts to implement the mandates contained in the FMRA.
2. **Safety Programs.** The Subcommittee has held numerous safety hearings and will continue its oversight in the new Congress. Maintaining a safe and efficient aviation

system is critical to the aviation industry, passengers, the U.S. economy, job creation, and U.S. competitiveness in the global marketplace. Issues to be addressed include: regional airline safety, general aviation safety, the safe integration of unmanned aircraft systems (UAS), pilot and controller training, ways to reduce operational errors, the FAA's enforcement and certification activities, and the FAA's volunteer reporting and data sharing and assessment programs.

3. **Evaluation of FAA's NextGen Air Traffic Control Modernization.** Since the early 1980's, the FAA has been trying to modernize the air traffic control system, a program referred to as "NextGen." NextGen is essential if the United States is to remain competitive and a leader in aviation in the global marketplace. The modernization program is now moving beyond the research and development phase and into the implementation phase. The FAA and industry must work together to reap the many benefits of a modern, satellite-based system. Benefits of this project include: greater system efficiency; reduced noise exposure; reduced emissions and fuel burn; improved safety; increased accuracy and reliability in the equipment and software; and the capability for future computer enhancements. Over the years, the FAA's efforts have often been behind schedule and over budget. The Subcommittee will continue to monitor and examine the FAA's efforts to establish performance metrics, meet deadlines, stay within budget, put in place an aircraft equipage program, and streamline implementation of the NextGen program.
4. **Oversight of the Office of the Secretary.** The Office of the Secretary within the Department of Transportation (DOT) inherited several aviation functions when the Civil Aeronautics Board was abolished. These functions include ensuring that air carriers do not engage in unfair and deceptive practices that could harm consumers and ensuring that business agreements among air carriers do not result in harmful effects. Many of these functions have a dramatic impact on the industry, competition, and job creation. Hearings may be held to evaluate various DOT programs and policies affecting aviation, including slots, essential air service, air carrier alliances, aviation consumer issues, international air service, key safety treaties, and the European Union's Emissions Trading Scheme.
5. **Airline Financial Condition and Passenger Service.** Much of the last decade has been a difficult one for the airline industry. The cumulative impacts of 9/11, the severe acute respiratory syndrome (SARS) outbreak, spikes in fuel prices, and the global recession have taken their toll, although the industry has been profitable over the last few years. Moreover, over the next decade, the FAA predicts that air traffic operations will increase. When the economy improves, passenger complaints about delays, cancellations, overbooking, customer service, and transparency in airfares and ancillary fees charged by airlines may rise again as passenger traffic rebounds. The Subcommittee will continue to examine ways to maintain the airline industry, review recently established regulations to ensure the proper balance is maintained between safety and commerce, and refocus its attention on service issues.
6. **Streamlining the FAA's Policies, Programs, and Procedures.** The Subcommittee is interested in an expected assessment of the FAA's existing policies, programs and

procedures in order to seek ways to streamline processes and eliminate wasteful and redundant programs and overly burdensome regulations. In the FMRA, the FAA is given the authority to carry out any efforts needed to achieve the efficiencies outlined in the assessment. The FAA is also directed to work with labor and industry and provide Congress with a plan for the realignment and consolidation of the FAA's facilities. The Subcommittee will carefully oversee these and other efforts by the FAA to achieve much needed efficiencies and cost savings.

7. **Oversight of the National Transportation Safety Board.** Authorization for the National Transportation Safety Board (NTSB) expired in 2008. A reauthorization bill passed the House in 2010 but was not enacted. Reauthorization of NTSB may be considered in the 113th Congress. This would be preceded by oversight hearings by the Subcommittee.

SUBCOMMITTEE ON COAST GUARD AND MARITIME TRANSPORTATION

1. **Coast Guard Budget.** The Coast Guard is currently functioning under a continuing resolution for fiscal year 2013 which expires March 27, 2013. The continuing resolution provides funding for all Coast Guard accounts and activities at the fiscal year 2012 level plus 0.612 percent. On December 20, 2012, the President signed into law H.R. 2838, the Coast Guard and Maritime Transportation Act of 2012, which authorized \$8.6 billion for the Service in fiscal year 2013 and \$8.7 billion in fiscal year 2014.

In the 113th Congress, the Subcommittee will hold hearings on the President's fiscal year 2014 and 2015 budget requests and consider legislation to authorize the Coast Guard. The Subcommittee will explore ways to implement cost savings at the Service by leveraging efficiencies and eliminating waste, fraud, abuse, and mismanagement.

2. **Coast Guard Recapitalization.** The Coast Guard is currently undergoing a major recapitalization of its offshore operating assets. The recapitalization is intended to replace or modernize more than 90 ships and 200 aircraft, as well as replace outdated command, control, and communications systems. The recapitalization is facing serious challenges related to schedule, budget, and engineering.

The Coast Guard has failed to develop a recapitalization program that reflects the current budget environment, and continues to pursue a plan not supported by either Administration budget requests or Congressional appropriations. Since 2001, expanding mission demands have been placed on the Service. These increased demands require aging and deteriorating legacy assets to operate well beyond planned service lives. Legacy assets are deteriorating at increasing rates as tightened budgets delay the acquisition of replacement assets. These intersecting trend lines jeopardize readiness.

The recapitalization program has had several successes, including major upgrades to the Coast Guard's helicopters, and the ongoing acquisition of new classes of ocean-going and near-shore cutters. Despite these successes, the Subcommittee remains concerned with the escalating costs of the program, the mission readiness of existing assets, the failure of

certain new assets to meet performance goals, inattention to icebreaker recapitalization needs, and the lack of a realistic Capital Investment Plan.

In the 113th Congress, the Subcommittee will continue to closely review the Coast Guard's recapitalization program, as well as any changes to the program which may be necessary to ensure the men and women of the Coast Guard who risk their lives for the Nation have the best equipment possible at the best price for the American taxpayers.

3. **Coast Guard Mission Balance and Alignment.** The Subcommittee remains concerned about the balance of resources and assets assigned to the Service's different missions. Since September 11, 2001, the Coast Guard has received significantly increased resources to carry out homeland security missions, including ports, waterways, and coastal security and migrant interdiction. The Subcommittee wants to assure the Service's equally critical missions, including maritime transportation, safety of life at sea, and environmental stewardship, are given sufficient weight when allocating resources and assigning assets.

The Subcommittee is also concerned with the training and experience requirements for Coast Guard servicemen and women, as well as whether the Service is properly aligned to successfully conduct its critical missions in the most efficient and cost-effective manner possible. A structural reorganization has gone through several iterations in the last seven years, and the Subcommittee will examine the final outcome of these organizational changes.

The Coast Guard must assure the safety, as well as the security, of the Nation's maritime commerce every day. Failure to provide adequate resources to the Coast Guard's marine safety and environmental stewardship programs are as much of a threat to the United States' economic interests as failure to provide adequate resources for maritime security.

In the 113th Congress, the Subcommittee will conduct oversight of the Coast Guard's mission balance and alignment to ensure the Service maintains and appropriately distributes the necessary resources, expertise, and organizational structure to successfully conduct all of its critical missions.

4. **Maritime Domain Awareness.** In order to prevent accidents, protect U.S. borders, and effectively respond to incidents in the waters under the control of the United States, the Coast Guard must maintain Maritime Domain Awareness (MDA). In other words, the Service must have real time knowledge of the location and intention of vessels operating in U.S. waters, as well as such other background information as weather, tides, and currents. MDA requires access to many sources of data, including visual observations, weather predictions, long-range vessel tracking information, and data provided by vessel-based transponders. The integration of these data sources into a "Common Operating Picture" shared by shore-side facilities, ships, and aircraft, forms the basis of the Coast Guard's future plans to deploy its assets more wisely and cost effectively, while also improving safety and security of our maritime transportation system.

The Coast Guard relies on several new and developing technologies to assist in implementing MDA. The Subcommittee has been concerned with delays in fielding these new technologies, cost overruns, the development of seemingly duplicative systems, performance failures, and poor contract management. The Subcommittee is also concerned that plans to upgrade command, control, communication, computer, intelligence, surveillance, and reconnaissance, popularly known as C4ISR, are not achieving the level of integration needed to fully take advantage of existing and rapidly improving sensor and communication technologies.

In the 113th Congress, the Subcommittee will continue its oversight of the Service's development and implementation of MDA to ensure the best system is fielded in a timely manner and at the best price for the American taxpayers.

5. **Maritime Transportation Safety.** Over the next year, the Coast Guard will be implementing or proposing new regulations intended to improve the safety of commercial fishing vessels and towing vessels, as well as to enhance the mariner credentialing and fitness determination process. The Service may also propose new safety regulations on cruise vessels in the wake of the COSTA CONCORDIA marine casualty. Finally, later this year, the Coast Guard is expected to publish a major new rule governing the deployment of electronic readers for the Transportation Worker Identification Credential (TWIC).

The recently enacted Coast Guard and Maritime Transportation Act modified some of these rulemakings to afford the Coast Guard adequate time to fairly enforce them. In the 113th Congress, the Subcommittee will continue oversight of the Coast Guard's regulatory program to ensure these regulations improve the safety of the maritime transportation system without unduly increasing costs and undermining job growth in the maritime industry.

6. **Marine Environmental Protection.** In recent years, the Coast Guard and Environmental Protection Agency (EPA) have implemented several new regulations governing the transportation of oil and other hazardous substances on water; air emissions from vessels; and the discharge from vessels of plastics, ballast water, and over 25 other "discharges incidental to the normal operation of a vessel," such as bilge water, deck wash, and air conditioning condensate. In addition, over 25 states have put in place regulations to govern ballast water and other incidental discharges. Many of these new requirements are inconsistent, costly, and burdensome. If not properly addressed, these regulations could significantly complicate vessel operations, drive up costs, threaten jobs, and impede the flow of commerce along our coasts, the Great Lakes, and inland rivers.

In the 113th Congress, the Subcommittee will conduct oversight of these regulations. The Subcommittee will also work to address the challenges posed by these new regulations and ensure the efficient movement of maritime commerce, defend seafaring and port jobs, and protect the environment.

7. **Oil Spill Prevention and Response.** In fiscal year 2012, the Coast Guard received over 32,000 reports of an oil or hazardous materials spill. The Service continues to respond to the April 2010 explosion and sinking of the DEEPWATER HORIZON and has deployed assets to the Arctic to oversee permitted drilling activities.

In the 113th Congress, the Subcommittee will continue oversight of oil spill prevention laws and regulations, as well as the Coast Guard's capability to respond to such incidents. The Subcommittee will work to ensure the Nation's oil spill prevention and response capabilities protect human lives and the environment while protecting U.S. jobs.

8. **Port and Vessel Security.** On an annual basis, U.S. ports handle more than 2 billion tons of freight, 3 billion barrels of oil, more than 134 million ferry passengers, and more than 7 million cruise ship passengers. Approximately 7,500 foreign ships, manned by 200,000 foreign sailors, enter U.S. ports every year to offload approximately six million truck-size cargo containers onto U.S. docks. Additionally, many of these seaports are critical military strategic sealift ports whose availability must be constantly assured.

There are 361 public ports in the United States that handle over 95 percent of U.S. overseas trade. The top 50 ports in the United States account for over 90 percent of total cargo tonnage. Twenty-five U.S. ports account for over 98 percent of all container shipments. Cruise ships visiting foreign destinations embark from at least 16 U.S. ports. Generally, ports are often very open and exposed and are potentially susceptible to large-scale acts of terrorism that could cause catastrophic loss of life and economic disruption.

In 2002, Congress enacted the Maritime Transportation Security Act (MTSA), now chapter 701 of title 46, United States Code. The measure establishes a comprehensive national maritime transportation security system; requires the Coast Guard to conduct vulnerability assessments of U.S. ports; requires the Coast Guard to develop national and regional area maritime transportation security plans; requires seaports, waterfront terminals, and certain types of vessels to develop security and incident response plans for the Coast Guard; and requires the Coast Guard to conduct an antiterrorism assessment of certain foreign ports. Vessel and facility plans went into effect on July 1, 2004.

MTSA also established the TWIC program to ensure that transportation workers who have access to secure areas of maritime facilities do not pose a terrorism security risk. The Security and Accountability for Every Port Act of 2006 (SAFE Port Act) set deadlines for the deployment of TWIC to workers and the installation of TWIC reader devices at access points to secure areas. The Transportation Security Administration (TSA) and Coast Guard missed the July 30, 2007, deadline to begin the deployment of TWIC and did not begin deployment of the credentials until October 2007. The TSA also missed the April 2009 deadline for the installation of TWIC readers. The Coast Guard does not anticipate issuing final rules for the installation of readers until 2013.

In the 113th Congress, the Subcommittee will continue to conduct oversight of these critical security issues with the goal of providing the highest level of security possible

that does not impede the efficient flow of maritime commerce or interrupt employment opportunities in the maritime sector.

9. **Piracy.** In 2012, pirates in the waters off the Horn of Africa captured 13 commercial vessels and held over 200 merchant seamen hostage. Although these numbers have fallen in recent months, the pirates continue their violent attacks on vessels transiting those waters. Pirates are using larger vessels, more advanced weaponry, and traveling further into the Indian Ocean to intercept vessels traveling outside the regular shipping lanes. Ransoms are increasing and reports indicate that conditions for hostages are worsening. Incidents of piracy are also on the rise in the Gulf of Guinea off the coast of Nigeria further impacting commercial shipping around the African continent.

In the 113th Congress, the Subcommittee will continue oversight of this issue. The Subcommittee will work to find ways to improve the security of U.S. seafarers, their vessels, and their cargo as they transit these high-risk waters.

10. **Arctic Transportation.** The percentage of the Arctic Circle covered in ice during the summer months continues to shrink. As a result, waters previously blocked by ice have become navigable in the summer. This opens opportunities for ships to transit between the Atlantic and Pacific Oceans through the Northwest Passage and the Northern Sea Route. It may also ease the difficulties faced in extracting potential oil and gas resources, as well as expand fishing and tourism activities.

As the ice cap recedes, human presence in the Arctic may expand. The Coast Guard will likely need to deal with a growing caseload of search and rescue, marine pollution response, law enforcement, and defense missions. The Service currently lacks the infrastructure or assets required for extended operations in the Arctic.

In the 113th Congress, the Subcommittee will continue its oversight of these issues. The Subcommittee will work to find ways to improve the safety and security of Arctic transportation routes, as well as enhance Coast Guard presence in the region in an efficient and cost-effective manner.

11. **Federal Maritime Commission, Maritime Administration, National Oceanic and Atmospheric Administration Budget and Programs.** The Subcommittee has jurisdiction over the Federal Maritime Commission (FMC) and the non-defense related programs of the Maritime Administration (MARAD). The FMC is responsible for the economic regulation of waterborne foreign commerce and unfair shipping practices. MARAD oversees several programs related to defense readiness, as well as programs designed to promote and develop the domestic merchant marine industry. The Subcommittee also has jurisdiction over the National Oceanic and Atmospheric Administration's (NOAA) Office of Response and Restoration (ORR). ORR provides technical and scientific assistance in the response to, and environmental restoration from, oil and hazardous material spills. It also administers the Marine Debris Program. The Subcommittee is also interested in NOAA programs that acquire and distribute data necessary for the safe operation of the Maritime Transportation System.

Each of these agencies is operating under a fiscal year 2013 continuing resolution which expires March 27, 2013. In fiscal year 2012, these agencies had a combined budget of over \$399 million.

In the 113th Congress, the Subcommittee will continue to conduct oversight of the FMC, MARAD, and ORR. The Subcommittee will explore ways to promote job growth in the domestic fleet, while improving operations and reducing costs at these agencies.

SUBCOMMITTEE ON ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS, AND EMERGENCY MANAGEMENT

1. **Federal Courthouses.** In June of 2010, GAO issued a report on the Federal courthouse program and found that of the 33 courthouses built since 2000, there was 3.56 million square feet of extra space, costing the taxpayer \$835 million plus \$51 million annually to operate and maintain. The Subcommittee will continue its oversight of the authorization of new Federal courthouses, encourage the full implementation of courtroom sharing formulae, and place strict requirements on any proposed courthouses to minimize overbuilding and reduce costs. The Subcommittee will also closely oversee the progress made on courthouses already authorized to ensure they are constructed within the limitations placed upon them by the Committee and to ensure they stay below or within budget. The Subcommittee will also work to ensure that courthouse construction projects include credible judgeship projections; courtroom sharing in a robust and efficient fashion in accordance with the empirical courtroom use data collected by the Federal Judicial Center; and faithful adherence by the General Services Administration (GSA) to congressionally authorized square-footage limitations, as well as dollar limitations, when executing projects.
2. **Leasing.** On or about July 17, 2012, GSA entered into a lease agreement to occupy space on six floors at One World Trade Center. The lease agreement includes an initial lease term of 20 years starting in 2015 at a rent of approximately \$17.5 million per year for a total of \$351.4 million over the initial term of the lease. The lease also includes four 15-year renewal options. GSA entered into this lease agreement despite the fact that a resolution approving the lease had not yet been adopted by the Committee.

While a prospectus as required by the Public Buildings Act was submitted to the Committee on June 6, 2012, the prospectus did not include a customary housing plan, identifying the proposed tenant agencies for the leased space and indicating how GSA proposed utilizing the space. Notwithstanding that the Committee had not passed a Committee resolution approving the lease or the fact GSA had submitted an incomplete prospectus, GSA obligated the government to more than \$350 million. This broke decades of legal precedent. Subsequently, former Chairman Mica, former Subcommittee Chairman Denham and former Appropriations Subcommittee on Financial Services Chairwoman Jo Ann Emerson requested GSA provide a written legal analysis and briefing explaining the basis for GSA to sign the lease.

In the 113th Congress, the Subcommittee will conduct oversight of GSA to ensure effective oversight of GSA's authority to enter into leases that bind the taxpayer to significant sums of money.

During the 112th Congress, problems with independent leasing authorities of agencies outside of GSA were made apparent. In 2010, the Securities and Exchange Commission (SEC), which has its own independent leasing authority, signed a sole-source 10-year lease for a state of the art building, binding the taxpayer to more than \$500 million. Not long after signing the lease, SEC determined it did not need the space. The Subcommittee conducted an investigation and held hearings that revealed serious questions about SEC's management of its space and its leasing authority. In prior years, the Committee has also found similar mismanagement by other agencies, including the NTSB, in which poor decisions on leases resulted in taxpayer dollars being wasted. As a result, the Subcommittee will continue its oversight of leases outside of GSA.

- 3. Real Property Management.** The management of Federal Real Property has been on the GAO's "high risk" list since 2003 due to a number of mismanagement issues, including the overreliance on costly leasing to meet long-term space needs and the overabundance of underused or vacant space. In addition, with nearly half of GSA's assets over 50 years old, GSA has faced challenges maintaining a balanced inventory, draining Federal resources and costing more to maintain old buildings that are often inefficient. At the same time, GSA continues to over-rely on expensive new commercial leases that very often result in the taxpayer paying for a building several times over without any ownership interest. The Office of Management and Budget's budget scorekeeping rules are key drivers on "own vs. lease" asset decision-making. Current budget scorekeeping rules generally leave GSA with only two options for meeting the Federal Government's general purpose space needs: direct appropriations for new construction or long-term leases. In addition, with the tight budget constraints and the lack of funds for new construction, GSA has begun exploring alternative arrangements for space acquisition and redevelopment.

The Subcommittee will continue to conduct investigations and oversight of GSA's management of its real property portfolio and examine ways to ensure cost-effective choices are made. In addition, the Subcommittee will work to ensure GSA maximizes the utilization of existing space, renegotiates existing leases to reduce costs, and sells underused or vacant properties that will generate revenue. Finally, the Subcommittee will work to ensure GSA fully utilizes its enhanced property management authority to make better use of space it retains, such as out-leasing empty Federal space to generate income for GSA's Federal Buildings Fund (FBF) and help offset costs, but will conduct close oversight of GSA's use of these authorities to ensure they are managed and used appropriately.

- 4. Federal Buildings Fund.** Congress established the FBF with the intent of making GSA's management of space self-financed. Federal agencies who are tenants in GSA-owned or managed facilities, generally, pay rent to GSA for use of the space. Those funds are deposited into the FBF, which then is used to reinvest in GSA's assets for repairs and

maintenance, as well as for construction or purchasing of new property. With nearly half of GSA's assets over 50 years old coupled with the increase in commercial leasing to fill space needs, serious questions have been raised regarding the viability of the FBF in the future. Old assets drain the resources of the FBF in repair and maintenance costs.

In addition, the administrative expenses of GSA's Public Buildings Service (PBS) are paid out of the FBF. There has been little or no transparency in how PBS spends its administrative funds. The scandals related to conferences and bonuses and GSA's inability to fully respond to Committee questions about how it budgets for such activities have revealed the potential for significant waste. As a result, the Subcommittee will continue to conduct oversight of PBS's administrative costs and take steps to ensure greater transparency and accountability.

5. **Capital Investment and Leasing Program.** As part of the Committee's annual work to review and authorize GSA's requests for authority to repair, alter, construct, and lease property for use by Federal agencies, the Subcommittee will review each prospectus presented to the Committee and recommend approval only after the Subcommittee is satisfied that the requests are cost-effective and in the best interest of the government. The Subcommittee will work aggressively with GSA and tenant agencies to shrink the space footprint.
6. **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 GSA to the Department of Homeland Security (DHS). However, responsibility for the protection of Federal buildings, generally, remains with the GSA. The Subcommittee will continue to monitor and review the policies, procedures, and requirements of security at public buildings, including a review of the implementation of these policies, procedures, and requirements of the FPS.
7. **Major Development Projects.** The construction of the DHS headquarters is a multi-billion dollar Federal construction project that, when completed, will relocate much of DHS operations in the District of Columbia area into one campus located at the historic Saint Elizabeths Hospital site in the Southeast quadrant of the District of Columbia. Currently, the construction of the Coast Guard headquarters is underway at the site. In addition, various DHS components remain in leased space until the phased construction is completed. The Subcommittee plans to continue close oversight of this major project and its associated leases to guard against waste, and ensure jobs are maintained and created accordingly throughout the project.

In addition, there are a number of other major construction and development projects proposed, underway, or anticipated by the GSA, including a proposal for a new FBI headquarters, the redevelopment of Federal Triangle South, and the redevelopment of the Old Post Office. The Subcommittee plans to conduct close review and oversight of these major development projects.

8. **Architect of the Capitol.** The Subcommittee will continue ongoing oversight of projects being undertaken by the Architect of the Capitol, including redevelopment of the Federal Office Building 8 as well as other development pursuant to the Master Plan for the Capitol Complex. Consistent oversight will ensure proper prioritization and cost savings.
9. **Smithsonian Institution Facilities.** The Subcommittee will continue its oversight of projects undertaken by the Smithsonian Institution including the acquisition, construction, and use of local and remote museum, research, and storage facilities of the Institution. The Subcommittee will continue to ensure the cost-effective solutions to the Smithsonian's space needs such as leveraging private dollars and disposal or effective reuse of underused assets. In addition, the Smithsonian is currently in the process of constructing the National Museum of African American History and Culture. Continued oversight of the construction is important to ensure the project stays within budget and on schedule.
10. **John F. Kennedy Center for the Performing Arts.** As a part of its ongoing oversight of the Kennedy Center's programs, the Subcommittee will regularly review the construction, alteration, and modernization activities of the Kennedy Center that are conducted using Federal funds to ensure appropriate management and cost savings.
11. **Economic Development Administration.** The Economic Development Administration (EDA) was created in 1965 by the Public Works and Economic Development Act to leverage Federal funding to help spur economic growth in areas that are experiencing: chronic high unemployment, out-migration, and severe economic dislocations due to plant closings and natural disasters. Over the years, EDA's programs have generated new, permanent jobs with minimal Federal investment. For example, reviews of EDA's programs have revealed that its programs, on average, create jobs at a cost of \$4,000 per job. In addition, studies have shown that \$1 invested by EDA attracts \$11 in private or other public funding. The leveraging of Federal dollars ensures that projects funded are viable and include a private interest that will ensure the jobs created are long-lasting. In preparation for EDA's reauthorization, the Subcommittee will continue to oversee EDA programs to ensure they continue to leverage private dollars and create jobs. The Subcommittee will also identify and remove regulatory stovepipes that add costs and administrative hurdles to job creation.
12. **Appalachian Regional Commission.** The Subcommittee will closely examine the activities of the Appalachian Regional Commission including how it meets the needs of distressed counties in Appalachia, how it uses new and innovative ways to promote economic development, and its track record of success since its last reauthorization to ensure, as with EDA, projects funded result in economic growth and job creation.
13. **Other Regional Economic Development Authorities.** The Subcommittee will closely examine the activities of the other established development authorities, which are the Denali Commission, Delta Regional Authority, Northern Great Plains Regional Authority, Southeast Crescent Regional Commission, Southwest Border Regional Commission, and Northern Border Regional Commission. The Subcommittee will review

these commissions and identify ways to streamline these programs and reduce any overlap to produce cost savings.

14. **Emergency Management.** The Subcommittee intends to undertake a review and assessment of the Nation's ability to prevent, prepare for, mitigate against, respond to, and recover from disasters and emergencies of all types including terrorism. In the 113th Congress, continued oversight will be needed as states continue to recover from prior disasters, such as Hurricane Sandy. In addition, the Subcommittee will continue its oversight of the implementation of reforms to the national preparedness system by the Federal Emergency Management Agency (FEMA) as required under the Post-Katrina Emergency Management Reform Act of 2006, as well as its oversight of FEMA's development of the Integrated Public Alert and Warning System.

SUBCOMMITTEE ON HIGHWAYS AND TRANSIT

1. **MAP-21 Implementation.** The Moving Ahead for Progress in the 21st Century Act (MAP-21) reauthorized Federal surface transportation programs for the first time since 2005. Enacted in July of 2012, MAP-21 represents an investment in the Nation's transportation infrastructure that translates into safer travel, more efficient commerce, faster project approval and delivery, and the creation of thousands of jobs. A large part of the Subcommittee's oversight activities in the 113th Congress will focus on implementation of MAP-21, specifically in the following areas:
 - **Streamlining Project Delivery.** MAP-21 reformed the project approval and delivery process for transportation and infrastructure projects. Time delays and inefficiencies in project delivery not only postpone needed improvements in our Nation's transportation infrastructure, but often result in increases in the cost of projects. MAP-21 streamlined this process by: allowing Federal agencies to carry out their obligations for a project concurrently with the National Environmental Policy Act (NEPA) environmental review for that project; instituting a financial penalty to each Federal agency that misses a deadline as part of the NEPA environmental review process; and providing categorical exclusions from the NEPA process for repair or reconstruction of an existing facility damaged by an emergency, for projects within the right-of-way, and for projects that receive limited Federal funding. Most significantly, MAP-21 requires that all environmental reviews for a project be completed within four years. The Subcommittee will monitor and evaluate DOT's implementation of these project delivery provisions.
 - **Program Consolidation and Elimination.** MAP-21 consolidated or eliminated nearly seventy DOT programs. Many of these programs served similar purposes and several of them were no longer necessary because the nature of our transportation system has changed over time. By consolidating some DOT programs and eliminating others, MAP-21 allows DOT to become more effective and efficient. The Subcommittee will monitor the implementation and effectiveness of program consolidation, as well as the organizational and staffing level changes at DOT, to

ensure the agencies are structured and staffed in a way that is consistent with the changes made in MAP-21.

- **Performance and Accountability.** MAP-21 emphasized performance management by incorporating performance measures into the highway, transit, and highway safety programs. These performance measures will provide a more efficient Federal investment by focusing Federal funding on national transportation goals, increasing accountability and transparency, and improving transportation planning and project selection. These changes require state DOTs, localities, and public transit agencies to consider performance objectives in their transportation plans and project selection. The Subcommittee will monitor DOT's implementation of these performance management requirements, as well as the ability of states and public transit agencies to accurately collect and utilize relevant performance data.
- **Efficient Movement of Freight.** The United States economy relies heavily on the surface transportation network for the efficient movement of freight. MAP-21 recognizes the importance of freight movement to all aspects of American life and incentivizes projects that improve freight movement by increasing the Federal share for such projects. The Subcommittee will conduct oversight of freight-related issues and the relevant provisions in MAP-21 to determine whether the surface transportation network is adequately accommodating current and future freight movement needs.
- **New Starts.** MAP-21 streamlines the project development process for the New Starts program by setting time limits on environmental reviews and consolidating the steps the Federal Transit Administration (FTA) must take in the project approval process. The Subcommittee will continue to conduct oversight on FTA's management of the New Starts program to ensure that the MAP-21 reforms are implemented in a way that expedites the lengthy process of moving a new fixed guideway transit project through development and into construction. The Subcommittee will also monitor the New Starts program to determine whether further reforms are warranted.
- **Transit Safety Oversight.** Statistically, rail transit is among the safest modes of transportation. However, there have been some high profile rail transit accidents resulting in fatalities and injuries around the country in recent years. MAP-21 included several provisions related to transit safety. Rather than granting FTA broad regulatory authority, MAP-21 built on the transit State Safety Oversight model that was already established in law and provided a dedicated stream of Federal funding for the state agencies that oversee the safety of rail transit systems. MAP-21 also required each recipient of Federal transit funding to institute a public transportation agency safety plan before it can obligate Federal funding. The Subcommittee will closely oversee FTA's implementation of the transit safety provisions in MAP-21 to ensure that it is being done in a way that is consistent with Congressional intent.
- **Public Transportation Emergency Relief Program.** MAP-21 establishes a public transportation emergency relief program to fund transit projects that have suffered

damage as a result of a natural disaster or a catastrophic failure. This program may also fund transit operating expenses in areas impacted by a disaster or catastrophic failure if the area meets certain eligibility criteria. In October 2012, Hurricane Sandy caused substantial damage to transit systems in New Jersey and New York. However, in October 2012 FTA was still in the process of implementing the provisions in MAP-21 establishing the Public Transportation Emergency Relief program. The Subcommittee will oversee the implementation of the Public Transportation Emergency Relief program to ensure that the program is being established and implemented in accordance with Congressional intent and to ensure that the funding distributed through the program meets the eligibility requirements in law. The Subcommittee will also evaluate funding expenditures from the Public Transportation Emergency Relief program to determine whether projects to mitigate the impacts of future disasters should be funded through the Emergency Relief program or through other FTA programs.

2. **Sustainability of Surface Transportation Programs.** The Federal highway, highway safety, and public transportation programs are user-fee financed through Federal excise taxes levied on motor fuels and on various highway-related products such as tires and heavy trucks. Revenues from these user fees are deposited into the Highway Trust Fund (HTF) and may be used only for eligible transportation projects and activities. Current projections show that the cash balances in the HTF's Highway Account will be depleted sometime in fiscal year 2015, while the HTF's Mass Transit Account will be depleted at some point late in fiscal year 2014. The Subcommittee will monitor the status and solvency of the HTF, and its ability to fully fund the programs authorized under MAP-21 and to meet future surface transportation investment needs.
3. **Innovative Financing.** In order to provide the greatest number of project financing options to state DOTs, Congress has focused on implementing innovative financing measures. The Transportation Infrastructure Finance and Innovation Act (TIFIA) program, tolling options, and public-private partnerships (PPPs) are all tools that state DOTs can use when capitalizing surface transportation projects. The Subcommittee will continue to evaluate and determine the proper role that innovative financing tools and private investment may play in financing transportation projects and the factors that should be considered in making such determinations. The Subcommittee will also assess the extent to which states and localities are already using innovative techniques to finance projects and the extent to which states and localities have the fiscal and technical capacity to take advantage of these innovative financing options.
 - **Transportation Infrastructure Finance and Innovation Act.** MAP-21 amended the TIFIA program in order to increase the impact and efficacy of these funds. MAP-21 increased the eligible Federal share of TIFIA projects to 49 percent, increased the amount of TIFIA funds to \$1.75 billion over two years, made key reforms to ensure that funds were more readily available for projects that qualify for the TIFIA program, and eliminated the unofficial political "super-qualifications" that were sometimes imposed on TIFIA applications. The Subcommittee will monitor how these changes are implemented and determine whether any further amendments are

necessary to maximize the usefulness of this program, as well as DOT's management of the program and oversight of projects receiving TIFIA credit assistance.

- **Tolling.** MAP-21 also expanded the ability of states to collect toll revenue from facilities on the Federal-aid highway system. Specifically, any project that adds new lane capacity to the Interstate System can be tolled. States continue to have the ability to toll roads that are not on the Interstate System. Toll revenues can be used for debt service for the project, operating costs of the toll facility, or, if the toll facility is adequately maintained, then the revenue can be used for any other highway or transit project for which Federal funds may be used. The Subcommittee will evaluate how DOT is implementing the tolling provisions in MAP-21 and how states use this expanded tolling authority and determine whether any further changes are warranted.
 - **Innovative Finance Guidance to State and Local Governments.** MAP-21 requires that DOT develop best practices for how state and local governments can work with the private sector to develop, finance, construct, and operate surface transportation projects in a manner that advances the public interest. While the decision to pursue a PPP is a state or local decision, MAP-21 requires DOT to provide technical assistance to states and local officials who are interested in pursuing PPPs for transportation projects. The Subcommittee will monitor DOT to ensure that they are providing requisite guidance to state and local governments interested in PPPs.
4. **Transportation Planning and Major Construction Projects.** The Subcommittee will conduct oversight of statewide and metropolitan transportation planning, as well as major highway and transit construction projects. The Subcommittee will analyze the board structure of metropolitan planning organizations (MPOs) to determine whether they contain a requisite level of technical expertise. Furthermore, the Subcommittee will examine the relationship between MPOs and state DOTs and public transit agencies to determine the appropriate level of interaction and cooperation between these three entities. As part of the Subcommittee's oversight of transportation planning, major surface transportation construction projects will also be examined to ensure that the planned cost for these projects is not being overrun. Many of the Nation's largest transportation projects experience significant cost overruns, and the Subcommittee will investigate these overruns to determine if they are due to changes in the construction market, project mismanagement, or other causes.
5. **Compliance, Safety, Accountability Program.** The Federal Motor Carrier Safety Administration (FMCSA) identified limitations in its compliance and enforcement model used to measure the safety performance of motor carriers and target carriers for enforcement by the agency. On December 13, 2010, FMCSA launched its new Compliance, Safety, Accountability (CSA) Program, which uses existing safety data collected by FMCSA and state agencies to better target enforcement activities at truck and bus companies that have a history of safety violations. FMCSA believes that CSA will allow them to "do more with less" by identifying high risk companies, focusing resources where they are most needed, and improving the safety records of those companies. During the 112th Congress, the Subcommittee held a hearing on the

effectiveness of the CSA program and the impacts on truck and bus companies. As a result of the hearing, the Subcommittee requested an audit of the program by the DOT's Inspector General. The requested date for completion of the audit is late 2013, and the Subcommittee will continue to monitor developments with the CSA program.

6. **Hours of Service.** Since 1937, the Federal Government has set limits on the number of hours commercial drivers may be on duty and spend behind the wheel in order to promote the safety of truck and bus operations. On January 4, 2003, in response to a Congressional mandate enacted in 1995, FMCSA published new hours-of-service (HOS) regulations for all property-carrying interstate motor carrier operators. The HOS rules have been the subject of ongoing litigation since 2003. On December 27, 2011, FMCSA issued a final rule revising the HOS requirements for commercial truck drivers. The new HOS final rule limits a truck driver's work week to 70 hours and stipulates that drivers cannot drive after working eight hours without first taking a break of at least 30 minutes. In addition, the rule requires truck drivers to take a "34-hour restart" in order to restart the clock on their work week. The "34-hour restart" provision must overlap during two periods between 1:00 a.m. and 5:00 a.m. The new HOS regulations become effective on July 1, 2013. The trucking industry has raised concerns that the proposed changes are overly complex, potentially reducing productivity. Law enforcement personnel have questioned whether the rules will require additional training for effective enforcement. The Subcommittee will maintain close oversight of the rulemaking process to ensure it furthers FMCSA's primary mission of safety, while ensuring the efficient movement of freight throughout the U.S. economy.
7. **Highway Safety and Traffic Fatalities and Injuries.** The National Highway Traffic Safety Administration (NHTSA) reported that highway fatalities fell to 32,367 in 2011, marking the lowest level since 1949 and a 1.9 percent decrease from the previous year. This represents a 26 percent decline in traffic fatalities overall since 2005. However, fatalities increased in 2011 among large truck occupants (20 percent), bicyclists (8.7 percent), pedestrians (3.0 percent), and motorcycle riders (2.1 percent). Highway fatalities have high societal costs. According to the Federal Highway Administration (FHWA) estimates, the average cost of a roadway fatality is \$6 million and the average cost of a roadway injury is \$126,000. The Subcommittee will monitor the efforts and effectiveness of programs carried out by NHTSA, FMCSA and FHWA to improve highway safety.
8. **Innovative Technologies.** The Subcommittee will provide oversight on the development and demonstration of new transportation technologies that improve efficiency and safety on our Nation's highways and transit systems. Research in this area will help create jobs by encouraging development of sophisticated technologies that many state DOTs and localities could implement on their roads, transit systems, and bridges. Implementation of these technologies can improve operational performance of the surface transportation network, which allows for the better use of the existing capacity on roads and transit systems. DOT is currently researching connected vehicle technologies, which are designed to increase situational awareness and reduce or eliminate crashes through vehicle-to-vehicle and vehicle-to-infrastructure data transmission that supports: driver

advisories, driver warnings, and vehicle and infrastructure controls. The Subcommittee will monitor developments in this area and ensure that such developments maximize the efficiency of the Nation's transportation system and the safety of its users to ensure the research carried out under these programs achieves the objectives established by Congress, and is being conducted and deployed in an effective manner.

9. **Research Structure at the Department of Transportation.** The Department of Transportation's research, development, and technology program is established to foster innovations leading to effective, integrated, and intermodal transportation solutions. MAP-21 established the following objectives for DOT research activities: improving highway safety, improving infrastructure integrity, strengthening transportation planning and environmental decision making, reducing congestion, improving highway operation, enhancing freight productivity, and exploratory advanced research. The Research and Innovative Technology Administration (RITA) oversees the Intelligent Transportation Systems (ITS) program. RITA's Joint Program Office has Department-wide authority in coordinating the ITS program and initiatives among FHWA, FMCSA, FTA, and NHTSA, as well as the Federal Railroad Administration, and the Maritime Administration. Research activities at DOT are scattered among many different agencies and offices. Concerns have been raised in regards to how this structure affects the overall research effectiveness of the Department. The Subcommittee will conduct oversight activities to determine the appropriate way to administer the Department's research programs.

SUBCOMMITTEE ON RAILROADS, PIPELINES, AND HAZARDOUS MATERIALS

1. **DOT Fiscal Year 2014 and 2015 Budgets.** The Subcommittee will review and evaluate the fiscal year 2014 and fiscal year 2015 budget proposals for the Federal Railroad Administration (FRA), Amtrak, the Surface Transportation Board, the Railroad Retirement Board, the National Mediation Board, and the Pipelines and Hazardous Materials Safety Administration (PHMSA).
2. **Reauthorization of the Federal Railroad Administration's Safety Program.** The FRA's rail safety program was last authorized in the Rail Safety Improvement Act of 2008 (RSIA), which expires at the end of fiscal year 2013. In preparation for reauthorizing the FRA safety programs, the Subcommittee will conduct oversight on FRA's enforcement and rulemaking activities since the last authorization in RSIA, as well as the various safety laws that govern railroad operations.
3. **Reauthorization of the Federal Railroad Administration's Rail Infrastructure Programs.** The FRA also administers several rail infrastructure programs, including the Railroad Rehabilitation and Improvement Financing (RRIF) loan program, the High Speed Intercity Passenger Rail (HSIPR) program, and the Rail Line Relocation and Improvement Capital Grant (RLR) program. RRIF is a direct and guaranteed loan program for rail and rail-intermodal infrastructure projects with \$35 billion in loan authority. The HSIPR program is a consolidation of two capital grant programs authorized in the Passenger Rail Investment and Improvement Act of 2008 (PRIIA) – the

intercity passenger rail service grants to states, and the high-speed rail corridor development grants. These programs were appropriated a total of \$10.1 billion and 99 percent of the funds have been obligated as of December 2012. The RLR program is a state grant program to aid in the mitigation of adverse effects caused by the presence of rail infrastructure. A total of \$90 million has been appropriated to the program and all funding has been awarded. The Subcommittee will conduct oversight of these rail infrastructure programs, with a view toward reauthorization.

4. **Reauthorization of Amtrak.** The Amtrak Reform and Accountability Act of 1997 fundamentally altered the statutory status of Amtrak, a corporation, by freeing Amtrak from a variety of detailed statutory restrictions governing the company's route system, capital structure, labor relations, and corporate governance. In 2008, PRIIA established more reforms and operational improvements along with authorizing appropriations for Amtrak capital grants, operating grants, and the Amtrak Inspector General. The Subcommittee will examine various aspects of Amtrak's performance with a view to reauthorization.
5. **Pipeline Safety Programs.** The Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 reauthorized Federal pipeline safety programs through fiscal year 2015. It provides for enhanced safety and reliability in pipeline transportation and ensures regulatory certainty, which will help create a positive environment for job development. The legislation was enacted on January 3, 2012. The Subcommittee will conduct oversight of the Office of Pipeline Safety at PHMSA regarding implementation of the Act.
6. **Hazardous Materials Safety Programs.** The Moving Ahead for Progress in the 21st Century Act (MAP-21) reauthorized PHMSA's hazardous materials safety programs. MAP-21 secured regulatory reforms, enhanced hazardous materials safety and enforcement, improved training, data collection, and research. As PHMSA's Office of Hazardous Materials Safety continues implementation of MAP-21, the Subcommittee will conduct oversight on that progress.

SUBCOMMITTEE ON WATER RESOURCES AND ENVIRONMENT

1. **Clean Water Act and Water Infrastructure Programs.** The Subcommittee will conduct oversight of wastewater treatment and water pollution control funding issues, including levels and sources of funding and management of grant and loan programs; wastewater security; and infrastructure needs. Oversight also will include a review of the effectiveness of watershed, market, and performance-based approaches to addressing local water pollution concerns; issues involving the development and implementation of total maximum daily loads, water quality standards, effluent limitations, and permitting; nutrients policies under the Clean Water Act; data quality issues; and continued efforts to improve the management of combined and sanitary sewer overflows, stormwater, and nonpoint source pollution. Additionally, the Subcommittee's oversight will include a review of the Environmental Protection Agency's implementation of integrated approaches to municipal stormwater and wastewater management through EPA's

integrated planning approach framework. The Subcommittee will investigate whether non-regulatory approaches, such as market-based approaches and other innovative approaches undertaken by state and local governments, may result in improvements to the environment. The Subcommittee may review the implications of addressing certain pollutant discharges, including discharges of pesticides, ballast water, incidental discharges from vessels, stormwater, and water transfers, through traditional Clean Water Act permitting requirements.

Continued improvement of water quality will likely require a combination of regulatory and non-regulatory approaches, as well as continued investment in water infrastructure programs. The Subcommittee will pursue and examine finding innovative ways to finance new and replacement of old water infrastructure projects; providing states, counties, and towns with additional tools and flexibility to address local environmental challenges; and demanding increased efficiency from Federal expenditures.

2. **Army Corps of Engineers Water Resources Program.** The Subcommittee will 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), including the selection, planning, and implementation of water resources projects; financing of harbor and inland waterways infrastructure, and utilization of large, medium, and small harbors; the backlog of uninitiated Corps construction projects, including prioritization of projects; asset management of projects in its operation and maintenance account, including existing and future levels of service; and efforts to improve the efficiency, effectiveness, and consistent implementation of the Agency's regulatory programs, including those pertaining to wetlands (including the scope and procedural and substantive requirements of the permitting programs) and dredging activities. The Subcommittee will review the Corps' implementation of provisions of the Water Resources Development Act of 2007, including those that were intended to streamline the project planning process.

Continued investments in our Nation's infrastructure will create jobs and support a healthy economy. The Subcommittee will focus on getting projects for the Nation built more efficiently and cost effectively, thereby more quickly delivering project benefits to the public, while ensuring compliance with existing planning and environmental laws.

3. **EPA – Superfund/Comprehensive Environmental Response, Compensation, and Liability Act and Brownfields.** The Subcommittee will review efforts to improve the efficiency and effectiveness of the contaminated site cleanup process and the process of assessing natural resources damages; review the liability, financing, and settlement mechanisms and procedures under the current Superfund program, including implementation of the Small Business Liability Relief and Brownfields Revitalization Act; review 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/Brownfields program; and review ongoing Federal, state, and local efforts to revitalize brownfields, including implementation of the expired Small Business Liability Relief and Brownfields Revitalization Act.

Brownfields and Superfund sites drive down property values and tax revenues and are a major blight on many of our cities and towns. The Subcommittee will work to promote state, local, and private efforts to clean up and redevelop Superfund and brownfields sites.

4. **Tennessee Valley Authority.** The Subcommittee will review the management of the Tennessee Valley Authority (TVA) and its programs, including its energy program and operations in the current marketplace and the impact of TVA debt on its long-term goals.

Until mid-2006, the Tennessee Valley Authority had made significant payments on its long-term debt in an attempt to reduce its total financing obligations. Since 2006, however, TVA's debt has begun to steadily climb to levels that may place the taxpayer at risk. TVA's debt is statutorily capped at \$30 billion and at the end of fiscal year 2012 carried just over \$25 billion in total debt. The Subcommittee will initiate a review of TVA's commitment to long-term financial sustainability to lessen the risk posed to bondholders, ratepayers, and the taxpayer.