



**U.S. House of Representatives**  
**Committee on Transportation and Infrastructure**

**James L. Oberstar**  
Chairman

Washington, DC 20515

**John L. Mica**  
Ranking Republican Member

David Heymsfeld, Chief of Staff  
Ward W. McCarragher, Chief Counsel

July 31, 2007

James W. Coon II, Republican Chief of Staff

**SUMMARY OF SUBJECT MATTER**

**TO:** Members of the Committee on Transportation and Infrastructure

**FROM:** Committee on Transportation and Infrastructure Majority Staff

**SUBJECT:** Committee on Transportation and Infrastructure Markup of H.R. \_\_\_\_, the "Regional Economic and Infrastructure Development Act of 2007"; H.R. 3224, the "Dam Rehabilitation and Repair Act of 2007"; H.R. \_\_\_\_, the "Hurricanes Katrina and Rita Recovery Facilitation Act of 2007"; H.R. 3068, the "Federal Protective Service Guard Contracting Reform Act of 2007"; H.R. 409, to amend title 23, United States Code, to inspect highway tunnels; H.R. 2671, to designate the United States courthouse located at 301 North Miami Avenue, Miami, Florida, as the "C. Clyde Atkins United States Courthouse"; H.R. 2728, to designate the station of the United States Border Patrol located at 25762 Madison Avenue in Murrieta, California, as the "Theodore L. Newton, Jr. and George F. Azrak Border Patrol Station"; H. Res. 444, supporting the goals and ideals of National Aviation Maintenance Technician Day, honoring the invaluable contributions of Charles Edward Taylor, regarded as the father of aviation maintenance, and recognizing the essential role of aviation maintenance technicians in ensuring the safety and security of civil and military aircraft; and H. Res. 549, recognizing the importance of America's Waterway Watch program, and for other purposes.

**PURPOSE OF MARKUP**

On Thursday, August 2, 2007, at 11:00 a.m., in Room 2167 Rayburn House Office Building, the Committee on Transportation and Infrastructure is scheduled to mark up H.R. \_\_\_\_, the "Regional Economic and Infrastructure Development Act of 2007"; H.R. 3224, the "Dam Rehabilitation and Repair Act of 2007"; H.R. \_\_\_\_, to improve the provision of disaster assistance for Hurricanes Katrina and Rita, and for other purposes; H.R. 3068, the "Federal Protective Service Guard Contracting Reform Act of 2007"; H.R. 409, to amend title 23, United States Code, to inspect highway tunnels; H.R. 2671, to designate the United States courthouse located at 301 North Miami Avenue, Miami, Florida, as the "C. Clyde Atkins United States Courthouse"; H.R. 2728, to designate the station of the United States Border Patrol located at 25762 Madison Avenue in

Murrieta, California, as the "Theodore L. Newton, Jr. and George F. Azrak Border Patrol Station"; H. Res. 444, supporting the goals and ideals of National Aviation Maintenance Technician Day, honoring the invaluable contributions of Charles Edward Taylor, regarded as the father of aviation maintenance, and recognizing the essential role of aviation maintenance technicians in ensuring the safety and security of civil and military aircraft; and H. Res. 549, recognizing the importance of America's Waterway Watch program, and for other purposes.

## H.R. \_\_\_\_\_, THE "REGIONAL ECONOMIC AND INFRASTRUCTURE DEVELOPMENT ACT OF 2007"

### Background

H.R. \_\_\_\_\_, the Regional Economic and Infrastructure Development Act of 2007, authorizes five regional economic development commissions under a common framework of administration and management. These Commissions are designed to address problems of systemic poverty and underdevelopment in their respective regions. The five commissions are: the Delta Regional Commission, the Northern Great Plains Regional Commission, the Southeast Crescent Regional Commission, the Southwest Border Regional Commission, and the Northern Border Regional Commission.

The Delta Regional Commission and the Northern Great Plains Regional Commission are existing entities and are reauthorized under this legislation. The Southeast Crescent Regional Commission, the Southwest Border Regional Commission, and the Northern Border Regional Commission have been proposed in legislation introduced in this and previous Congresses.

This bill models the administrative and management procedures for these five Commissions after the highly successful Appalachian Regional Commission. By providing a uniform set of procedures, this bill provides a consistent method for distributing economic development funds throughout the regions most in need of such assistance and ensures a comprehensive regional approach to economic and infrastructure development in the most severely distressed regions in the country.

### Prior Legislative and Oversight Activities

In the 109<sup>th</sup> Congress, Chairman Oberstar introduced H.R. 1349, the "Regional Economic and Infrastructure Development Act of 2005".

On January 4, 2007, Representative McIntyre introduced H.R. 66, the "Southeast Crescent Authority Act of 2007". On March 15, 2007, Representative Hodes introduced H.R. 1548, the "Northern Border Economic Development Commission Act of 2007". On April 26, 2007, Representative Reyes introduced H.R. 2068, the "Southwest Regional Border Authority Act".

On July 31, 2007, Chairman Oberstar introduced H.R. \_\_\_\_\_, the "Regional Economic and Infrastructure Development Act of 2007".

The Subcommittee on Economic Development, Public Buildings, and Emergency Management is scheduled to meet on August 1, 2007, to consider H.R. \_\_\_\_\_, the "Regional Economic and Infrastructure Development Act of 2007".

## Amendments

Specific information on amendments is not available at this time.

## H.R. 3224, THE “DAM REHABILITATION AND REPAIR ACT OF 2007”

### Background

In 1972, Congress directed the Secretary of the Army to undertake a national program on the inspection of dams in the National Dam Inspection Act (P.L. 92-367). Section 215 of the Water Resources Development Act of 1996 (P.L. 104-303), known as the National Dam Safety Program Act, amended the 1972 Act to establish the National Dam Safety Program as a partnership of States, Federal agencies, and other stakeholders to encourage individual and community responsibility for dam safety. The National Dam Safety Program Act has as its mission to “. . .reduce the risks to life and property from dam failure in the United States through the establishment and maintenance of an effective national dam safety program to bring together the expertise and resources of the federal and non-federal communities in achieving national dam safety hazard reduction.”

Since its creation, the National Dam Safety Program has helped to mitigate the risk of dam failure by providing technical and financial assistance to state dam safety officials. There are approximately 80,000 dams in the United States; of these, approximately 10,000 dams are considered to have high-hazard potential, meaning their failure could result in loss of life or severe property damage. Private individuals, corporations, and state and local governments own more than 95 percent of the dams in the United States, making state dam safety officials our first line of defense in preventing dam failures and mitigating the effects through the development of Emergency Action Plans. A primary function of the National Dam Safety Program is to increase the level of knowledge and preparedness to prevent and mitigate the effects of dam failures.

The National Dam Safety Program Act includes:

- a National Dam Inventory to provide to the public periodically updated information on the inventory of dams in the United States;
- an Interagency Committee on Dam Safety to encourage the establishment and maintenance of effective federal and state programs, policies, and guidelines intended to enhance dam safety;
- a National Dam Safety Program, including a strategic plan, a National Dam Safety Review Board, and grant assistance to States to provide vital support for the improvement of the state dam safety programs that regulate most of the dams in the United States;
- a dam safety research effort for technical and archival research; and
- safety training for state dam safety staff and inspectors.

## H.R. 3224, the “Dam Rehabilitation and Repair Act of 2007”

H.R. 3224 amends the National Dam Safety Program Act to authorize the Federal Emergency Management Administration (“FEMA”) Administrator to provide grants for the rehabilitation and repair of publicly-owned dams. Any State that requires assistance is eligible to apply for funds to the FEMA Administrator. The Administrator, along with the National Dam Safety Review Board, prioritizes deficient dams when making awards under this grant program. States are required to provide 35 percent of the funds necessary to rehabilitate the dam.

### Prior Legislative and Oversight Activities

In the 109<sup>th</sup> Congress, on September 20, 2006, the Committee ordered H.R. 1105, the “Dam Rehabilitation and Repair Act of 2005”, reported favorably to the House by voice vote. No further legislative action was taken.

On July 30, 2007, Representative Salazar introduced H.R. 3224, the “Dam Rehabilitation and Repair Act of 2007”.

The Subcommittee on Economic Development, Public Buildings, and Emergency Management is scheduled to meet on August 1, 2007, to consider H.R. 3224, the “Dam Rehabilitation and Repair Act of 2007”.

### Amendments

Specific information on amendments is not available at this time.

## H.R. \_\_\_\_\_, THE “HURRICANES KATRINA AND RITA RECOVERY FACILITATION ACT OF 2007”

### Background

Although nearly two years have elapsed since the tragedy of Hurricane Katrina, significant problems still exist in the recovery effort. This disaster and its aftermath have revealed that the Federal Emergency Management Agency (“FEMA”) may need some additional authorities to deal effectively with catastrophes of such magnitude.

H.R. \_\_\_\_\_, is a bill designed to provide relief for problems associated with recovery efforts specific to Hurricanes Katrina and Rita. The bill authorizes that changes made to the public assistance programs under the Stafford Act shall apply retroactively to the recovery efforts of Hurricanes Katrina and Rita. Specifically, the bill:

- increases the Federal in-lieu contribution for alternate projects from the current level of 75 percent to 90 percent;
- authorizes the FEMA Administrator to include Gulf Coast recovery efforts under a public assistance pilot project authorized by the Post-Katrina Emergency Management Reform Act (P.L. 109-295);

- permits the use of third parties to review and expedite public assistance appeals through the use of alternative dispute resolution procedures;
- allows the use of temporary housing for volunteers assisting in the recovery and reconstruction efforts in the Gulf Coast;
- allows FEMA to use a simplified procedure, under which small projects are permitted to proceed based on estimates, for projects up to \$100,000, an increase from the current level of \$55,000;
- authorizes re-interment of remains in private cemeteries; and
- waives the requirement that certain certifications in the hazard mitigation grant program occur prior to commencing projects.

### **Prior Legislative and Oversight Activities**

In the 110th Congress, the Subcommittee on Economic Development, Public Buildings, and Emergency Management held a hearing on May 10, 2007, entitled “Legislative Fixes for Lingering Problems that Hinder Katrina Recovery”. At the hearing, Members of Congress from Louisiana and Mississippi testified on issues that communities and citizens in their districts still face in the recovery from Hurricane Katrina.

The Committee reported H.R. 1144, the “Hurricanes Katrina, Rita, and Wilma Federal Match Relief Act of 2007”, to provide significant relief for communities devastated by these hurricanes. H.R. 1144 waives the non-Federal share of certain Federal Emergency Management Agency (FEMA) disaster assistance provided to Louisiana, Mississippi, Texas, and Florida under title IV of the Stafford Act. The bill also increases the Federal share for the Public Assistance and Other Needs Assistance programs to 100 percent. Finally, H.R. 1144 strikes provisions of P.L. 109-88 and P.L. 109-234, which eliminated FEMA’s authority to cancel loans under the CDL program (Section 417 of the Stafford Act) for loans to local governments for recovery from Hurricanes Katrina, Rita, and Wilma. Loans to local governments for recovery from Hurricanes Katrina, Rita, and Wilma would be authorized to be cancelled if the local governments meet the statutory test outlined in Section 417 of the Stafford Act. An amended form of the legislation was included in P.L. 110-28, the “U.S. Troop Readiness, Veterans’ Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007”.

The Committee also collaborated with the Committee on Financial Services on H.R. 1227, the “Gulf Coast Hurricane Housing Recovery Act of 2007”, to ensure that the bill allows Louisiana to use Hazard Mitigation Program funds for its Road Home program. On March 21, 2007, the House passed H.R. 1227.

On July 31, 2007, Chairman Oberstar introduced H.R. \_\_\_\_\_, the “Hurricanes Katrina and Rita Recovery Facilitation Act of 2007”.

The Subcommittee on Economic Development, Public Buildings, and Emergency Management is scheduled to meet on August 1, 2007, to consider H.R. \_\_\_\_\_, the “Hurricanes Katrina and Rita Recovery Facilitation Act of 2007”.

## Amendments

Specific information on amendments is not available at this time.

## H.R. 3068, "FEDERAL PROTECTIVE SERVICE GUARD CONTRACTING REFORM ACT OF 2007"

### Background

H.R. 3068 is a bill to prohibit the award of contracts to provide guard services under the contract security guard program of the Federal Protective Service ("FPS") to any business that is owned, controlled, or operated by an individual who has been convicted of a felony. This bill directs the Secretary, not later than six months after the enactment of this bill, to promulgate regulations to enact the provisions of this bill. The bill directs the Secretary of Homeland Security to review all contracts in effect as of the date of promulgation of the regulations to ensure these contracts comply with the provisions of the bill.

### Prior Legislative and Oversight Activities

This legislation is in response to the findings of two hearings conducted by the Committee on Transportation and Infrastructure on the Federal Protective Service. On April 18, 2007, the Committee held a hearing entitled "Proposals to Downsize the Federal Protective Service and Effects on the Protection of Federal Buildings". The hearing focused on Department of Homeland Security ("DHS") proposals to cut the presence of Federal Protective Service officers nationally.

On June 21, 2007, the Subcommittee on Economic Development, Public Buildings, and Emergency Management held a hearing entitled "The Responsibility of the Department of Homeland Security and the Federal Protective Service to Ensure Contract Guards Protect Federal Employees and their Workplaces". This hearing focused on the role that contract guard services play in assisting FPS officers in protecting Federal buildings. During the hearing it was revealed that an individual convicted of fraud was effectively running the company providing security to Federal buildings.

The Subcommittee on Economic Development, Public Buildings, and Emergency Management is scheduled to meet on August 1, 2007, to consider H.R. 3068, the "Federal Protective Service Guard Contracting Reform Act of 2007".

## Amendments

Specific information on amendments is not available at this time.

## H.R. 409, TO AMEND TITLE 23, UNITED STATES CODE, TO INSPECT HIGHWAY TUNNELS

### Background

On Monday, July 10, 2006, at approximately 11 p.m., a section of the suspended concrete ceiling above the eastbound lanes of the Interstate 90 connector tunnel in Boston, Massachusetts,

fell onto a vehicle traveling to Logan International Airport. A passenger, riding in the right front seat of the vehicle, was killed, while the driver escaped with minor injuries.

A number of investigations, including one conducted by the National Transportation Safety Board (“NTSB”), were launched to examine the causes of the ceiling panel collapse. The NTSB issued its accident report on July 10, 2007, identifying the failure of the epoxy adhesive used to attach the panels to the anchors in the ceiling to sustain long-term loads, technically known as “creep”, as the probable cause of the accident.

The NTSB report further made the observation that “had the Massachusetts Turnpike Authority [that operated the Central Artery/Tunnel project of which the Interstate 90 connector tunnel is a part], at regular intervals ... inspected the area above the suspended ceilings ..., the anchor creep that led to this accident would likely have been detected, and action could have been taken that would have prevented this accident.”

The NTSB identified, as part of its investigation, “inadequate regulatory requirements for tunnel inspections” as a safety issue requiring redress. The NTSB recommended that the Federal Highway Administration “seek legislation authorizing the Federal Highway Administration to establish a mandatory tunnel inspection program similar to the National Bridge Inspection Program.”

H.R. 409 amends title 23, United States Code, to establish a national program to inspect highway tunnels that is modeled after the national bridge inspection program.

### **Prior Legislative and Oversight Activities**

On January 11, 2007, Representative Capuano introduced H.R. 409.

### **Amendments**

Specific information on amendments is not available at this time.

### **H.R. 2671, TO DESIGNATE THE UNITED STATES COURTHOUSE LOCATED AT 301 NORTH MIAMI AVENUE, MIAMI, FLORIDA, AS THE “C. CLYDE ATKINS UNITED STATES COURTHOUSE”**

### **Background**

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

Judge Atkins served as a distinguished jurist throughout his tenure on the federal bench. He presided over some of the most controversial cases in South Florida judicial history, including a case to desegregate Miami schools. Judge Atkins found the city of Miami guilty of a pattern of harassment of the city's homeless population and showed great courage in overturning federal policies that required the repatriation of Haitian and Cuban refugees at Guantanamo Bay.

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

Judge Atkins had a strong reputation as a principled and fair jurist. He was respected because of his application of the law without respect to race, creed, religion, or national origin. In honor of Judge Atkins' distinguished public service as a U.S. District Court Judge for 33 years it is fitting to name the courthouse located at 301 North Miami Avenue in Miami, Florida, as the "C. Clyde Atkins United States Courthouse".

#### **Prior Legislative and Oversight Activities**

On June 12, 2007, Representative Ros-Lehtinen introduced H.R. 2671, to designate the United States courthouse at 301 North Miami Avenue, Miami, Florida, as the "C. Clyde Atkins United States Courthouse".

The Subcommittee on Economic Development, Public Buildings, and Emergency Management is scheduled to meet on August 1, 2007, to consider H.R. 2671, the "C. Clyde Atkins United States Courthouse".

#### **Amendments**

No amendments are expected at this time.

#### **H.R. 2728, TO DESIGNATE THE STATION OF THE UNITED STATES BORDER PATROL LOCATED AT 25762 MADISON AVENUE IN MURRIETA, CALIFORNIA, AS THE "THEODORE L. NEWTON, JR. AND GEORGE F. AZRAK BORDER PATROL STATION"**

#### **Background**

On June 17, 1967, United States Border Patrol Inspectors Theodore L. Newton, Jr. and George F. Azrak were killed in the line of duty while working the late night shift in southern California. While working at a checkpoint along the U.S.-Mexico border, Inspectors Newton and Azrak intercepted an ambulance that was carrying 800 pounds of marijuana. While the two patrol inspectors were checking the vehicle they were overpowered by four men. They were kidnapped from their post and taken to a nearby cabin where they were brutally murdered by the smugglers.

Since their deaths, the United States Border Patrol has established the Newton-Azrak Award for Heroism. This annual award is the highest honor that the Border Patrol can bestow on an agent for bravery. Eligibility for the award is based on the demonstration of unusual courage in the line of duty or a heroic or humane act during times of extreme stress or in an emergency. As a result of the deaths of the two inspectors, the Border Patrol now requires that a minimum of three to five agents, depending on a variety of factors, work each checkpoint along with a back-up unit. In addition to the increased manpower, the Border Patrol has also increased the amount of training and support that all Border Patrol agents now receive. The Customs Border and Protection Border Patrol Museum in El Paso, Texas, has a permanent memorial display in honor of the two Patrol Inspectors killed in the line of duty.

In honor of the service of Inspectors Newton and Azrak, it is appropriate to designate the United States Border Patrol Station located at 25762 Madison Avenue in Murrieta, California, as the "Theodore L. Newton, Jr. and George F. Azrak Border Patrol Station". Their valor in performing their roles has served as an inspiration for a generation of Border Patrol agents that have followed them in service to their country.

### **Prior Legislative and Oversight Activities**

On June 14, 2007, Representative Issa introduced H.R. 2728, to designate the station of the United States Border Patrol located at 25762 Madison Avenue in Murrieta, California, as the "Theodore L. Newton, Jr. and George F. Azrak Border Patrol Station".

The Subcommittee on Economic Development, Public Buildings, and Emergency Management is scheduled to meet on August 1, 2007, to consider H.R. 2728, the "Theodore L. Newton, Jr. and George F. Azrak Border Patrol Station".

### **Amendments**

No amendments are expected at this time.

### **H. RES. 444, SUPPORTING THE GOALS AND IDEALS OF NATIONAL AVIATION MAINTENANCE TECHNICIAN DAY, HONORING THE INVALUABLE CONTRIBUTIONS OF CHARLES EDWARD TAYLOR, REGARDED AS THE FATHER OF AVIATION MAINTENANCE, AND RECOGNIZING THE ESSENTIAL ROLE OF AVIATION MAINTENANCE TECHNICIANS IN ENSURING THE SAFETY AND SECURITY OF CIVIL AND MILITARY AIRCRAFT**

### **Background**

H. Res. 444 highlights the House of Representatives' support for the May 24<sup>th</sup> National Aviation Maintenance Technician Day to honor Charles Edward Taylor, the first aviation maintenance technician who created and maintained the engine used to power the Wright brothers' aircraft, and the men and women who followed in his footsteps as aviation maintenance technicians. This resolution celebrates the life and achievements of one of the fathers of aviation while also recognizing the indispensable role aviation maintenance technicians play by ensuring the safety of civil and military aircraft and infrastructure as well as the American people.

### **Prior Legislative and Oversight Activities**

In the 108<sup>th</sup> and 109<sup>th</sup> Congresses similar legislation was introduced and referred to the Subcommittee on Aviation of the Committee on Transportation and Infrastructure. No further action was taken on these resolutions.

On May 24, 2007, Representative Filner introduced H. Res. 444, supporting the goals and ideals of National Aviation Maintenance Technician Day, honoring the invaluable contributions of Charles Edward Taylor, regarded as the father of aviation maintenance, and recognizing the essential role of aviation maintenance technicians in ensuring the safety and security of civil and military aircraft.

### **Amendments**

No amendments are expected at this time.

### **H. RES. 549, RECOGNIZING THE IMPORTANCE OF AMERICA'S WATERWAY WATCH PROGRAM, AND FOR OTHER PURPOSES**

### **Background**

The Coast Guard's America's Waterway Watch program utilizes the expertise of 70 million recreational boaters and commercial vessel operators to help keep U.S. coastal areas safe and secure. Participants in the program are encouraged to report suspicious activities to the Coast Guard and local first responders. America's Waterway Watch program originated from the World War II Coast Watch program, which mobilized citizen-volunteers to scan the more than 95,000 miles of American coastline for enemy U-boats and saboteurs attempting to infiltrate our country undetected.

H. Res. 549 recognizes the Coast Guard's America's Waterway Watch program for its work to educate small vessel operators and other stakeholders to increase awareness of suspicious activities that may be occurring on U.S. waters.

### **Prior Legislative and Oversight Activities**

On July 16, 2007, Representative Bilirakis introduced H. Res. 549, recognizing the importance of America's Waterway Watch program, and for other purposes.

### **Amendments**

No amendments are expected at this time.