

VIEWS AND ESTIMATES OF THE
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
FOR FISCAL YEAR 2023

Overview

As required by the Congressional Budget Act of 1974 and House Rules, standing committees are required to submit to the Committee on the Budget views and estimates. Pursuant to clause 4(f)(1) of House Rule X, views and estimates must be submitted within six weeks after the submission of the budget by the President or at such time as the Committee on the Budget may request. As such, we submit the views and estimates of the Committee on Transportation and Infrastructure (committee).

Last year Congress passed the bipartisan infrastructure framework, passed as the Senate Amendment to H.R. 3684, the *Infrastructure Investment and Jobs Act (IIJA)*; P.L. 117-58) which provided billions of dollars to sustain and modernize our highway, transit, rail, airport, port, and wastewater infrastructure. The investments provided by this legislation will help construct, repair, and replace roads and bridges, reduce carbon pollution from the transportation sector, reduce congestion at our ports, and improve air and water quality. Oversight of responsible implementation of the *IIJA* is a top priority for the committee this year as we work to ensure that Americans all over the country, rural and urban alike, proportionally share in the benefits from these historic investments.

This year the committee will also focus on reauthorizing numerous key programs and will continue to perform oversight on all programs within our jurisdiction. The committee's bipartisan legislative priorities include: the United States Coast Guard, the Federal Maritime Commission (FMC), and the Maritime Administration (MARAD); addressing the nation's supply chain issues; a water resources development act; the Economic Development Administration; the National Transportation Safety Board, the Surface Transportation Board; the Federal Emergency Management Agency (FEMA); and the General Services Administration (GSA).

Coast Guard and Federal Maritime Commission

The committee will move legislation to reauthorize the United States Coast Guard, one of the nation's six armed services, and the Federal Maritime Commission (FMC) for fiscal years 2022 and 2023. The authorization includes increases for the following Coast Guard accounts: operations and support, procurement, construction and improvements, and research and development; and includes a ten percent increase for the FMC. The legislation also sets aside funds to help address the shoreside infrastructure backlog and bolster facility resiliency and authorizes the acquisition of an additional Great Lakes icebreaker, a twelfth National Security Cutter and additional Fast Response Cutters. It includes provisions to improve maritime safety and oil spill response and to enhance Coast Guard vessel readiness by encouraging the use of automated technologies. Finally, it includes provisions to support gender, racial, and ethnic diversity within the Coast Guard, and to address incidents of sexual harassment and sexual assault in the maritime industry at large. Additionally, the committee remains committed to advancing new economic opportunities to revitalize the U.S. maritime and shipbuilding industries and will remain vigilant in its oversight of the Jones Act.

The COVID-19 pandemic has disrupted many aspects of the global supply chain and exposed gaps in the supply chain and container processing capacity across the country and worldwide. The committee will continue to push for bipartisan legislation that will bolster the enforcement capabilities of the FMC, strengthen the overseas supply chain, and ensure fairness in the global shipping industry.

Economic Development Administration

The committee intends to advance legislation to reauthorize the Economic Development Administration (EDA). As the sole federal agency focused exclusively on economic development, the EDA plays an essential role in facilitating regional economic development efforts in communities across the nation. The EDA was last reauthorized by the *Economic Development Administration Reauthorization Act of 2004* (P.L. 108-373) and has been funded by Congress on an annual basis since the agency's authorization expired in fiscal year 2008. Congress must reauthorize the EDA to provide certainty for grantees and local communities regarding the future of EDA's grant programs and the support upon which they rely.

Leading up to consideration of legislation to reauthorize the EDA, the committee intends to evaluate EDA's role in disaster and economic recovery, the need for federal investment in predevelopment and local capacity, requirements of Comprehensive Economic Development Strategies (CEDs), the importance of broadband in economic development, and the scope of EDA's grant programs as well as eligibility for those programs. In addition, the committee intends to assess the authorization levels and authorities of the existing regional commissions, including the Denali Commission, the Delta Regional Authority, the Northern Border Regional Commission, the Southeast Crescent Regional Commission, and the Southwest Border Regional Commission.

Water Resources Development Act

The committee will draft and consider a biennial water resources development act (WRDA) in 2022. WRDA legislation authorizes studies, projects, and policies within the U.S. Army Corps of Engineers (Corps) Civil Works mission areas, including navigation, flood damage reduction, hurricane and storm damage reduction, shoreline protection, and ecosystem restoration. Through WRDA legislation, Congress also provides the Corps with authority to address water supply needs to cities, agriculture, and industry, to aid in the production of hydropower, to manage a national recreation program, and to address local environmental infrastructure needs. WRDA 2022 will also include environmental infrastructure assistance projects, including authority for the planning, design, and construction of municipal drinking water and wastewater infrastructure projects. Regular consideration of locally driven, rigorously studied, and nationally significant Corps infrastructure is key to preserving our nation's economy, protecting our communities and businesses, and maintaining our quality of life.

The committee will also continue to monitor implementation of the *Water Resources Development Act of 2020* (WRDA 2020; Div. AA, P.L. 116-260) to ensure it provides the greatest impact on clearing maintenance backlogs, addressing critical and affordable assistance to communities, and ensuring the construction of resilient water resources infrastructure. In addition, bipartisan language included in WRDA 2020 provided Congress with a new budget tool to increase federal investment in U.S. ports and harbors by allowing allocation of Harbor Maintenance Trust Fund (HMTF) dollars for maintenance dredging activities outside discretionary budget limitations.

The committee strongly believes the additional funds made available by the new budget mechanism should be provided in addition to regular appropriations and that the additional funds for maintenance activities should not be shifted among different Corp accounts. The effect of this budget mechanism directly benefits the countless businesses, industries, farmers, and workers whose livelihoods depend on coastal and inland harbors for the movement of goods and services. The committee will work to ensure that this new budget tool is fully utilized and that the level of HMTF funds envisioned in *WRDA 2020* for fiscal year 2023 is provided to the Corps to meet the backlog of critical maintenance needs of all our U.S. ports and harbors.

National Transportation Safety Board

The National Transportation Safety Board (NTSB) is an independent federal agency charged with investigating every civil aviation accident in the United States and significant accidents in other modes of transportation—railroad, highway, marine, pipeline, and commercial space. It was last reauthorized in the *FAA Authorization Act of 2018* (P.L. 115-254) and its current authorization expires at the end of fiscal year 2022.

Earlier this year the NTSB formally transmitted a reauthorization proposal to Congress. The proposal includes three titles: (1) Ensuring Readiness for Our Mission, (2) Enhancing Accountability and Improving Processes and Products, and (3) Strengthening Diversity, Equity, Inclusion, and Accessibility. The five-year bill requests authorization of appropriations for fiscal years 2023 through 2027 at the following levels: \$129.3 million for fiscal year 2023, \$145 million for fiscal year 2024, \$155 million for fiscal year 2025, \$165 million for fiscal year 2026, and \$175 million for FY 2027. The legislative proposal also includes several workforce development initiatives, changes, and clarifications to investigative authorities for railroad and highway accidents, and changes to recommendation response requirements for the U.S. Coast Guard, among other items.

The committee is reviewing this proposal and intends to move reauthorization legislation related to the NTSB.

Aviation

The committee will begin laying the groundwork this year for the next Federal Aviation Administration (FAA) reauthorization bill. The *FAA Reauthorization Act of 2018* (P.L. 115-254) authorized the agency through fiscal year 2023. The committee will begin reaching out to member offices and stakeholders in a bipartisan manner to solicit priorities and policies for inclusion in an upcoming bill. The committee will also continue to pursue oversight of the provisions in the 2018 law that the FAA has yet to fully implement, including mandates that the FAA require flight attendants receive a minimum of 10 hours' rest between flight duty period and the installation of a secondary cockpit barrier on each new aircraft that is manufactured for delivery to a passenger air carrier, among others.

The committee will also continue to closely monitor the implementation of the *Aircraft Certification, Safety, and Accountability Act* (Div. V, P.L. 116-260)—bipartisan comprehensive aircraft certification and safety legislation—that Congress enacted following the conclusion of multiple reviews and investigations into the FAA's certification of the Boeing 737 MAX aircraft, which crashed twice in five months killing 346 people. The Act reforms and strengthens the FAA's aircraft certification process; ensures transparency, accountability, and integrity in FAA regulation of U.S.

aircraft manufacturers; addresses issues identified in various reviews and investigations related to human factors, automation in the cockpit, and international pilot training; and authorizes nearly \$275 million over five years for robust FAA oversight and aviation safety-improving programs and initiatives.

Finally, the *IIJA* provided \$25 billion for U.S. airport infrastructure. Specifically, it provided \$15 billion in formula funds for airport development projects, \$5 billion to modernize federally-owned air traffic control towers and facilities, and \$5 billion in competitive grants to help replace and upgrade aging airport terminal facilities. The committee will monitor implementation of *IIJA* funds to ensure airports of all sizes, throughout the country, benefit from the law's investments and are able to ensure airport safety, resiliency, and to meet future passenger demands.

Environmental Protection Agency

It remains a priority of the committee to increase investment in the Environmental Protection Agency's (EPA) regional watershed programs, including the San Francisco Bay, Puget Sound, and Lake Pontchartrain, as well as EPA's nonpoint source management program under section 319 of the *Clean Water Act*, and the committee will work to advance legislation that authorizes these programs at levels necessary to achieve the long-term restoration and protection goals of these diverse and dynamic ecosystems.

In addition, the *IIJA* reauthorized and increased the authorized level of federal appropriations for the Clean Water State Revolving Fund for the first time since 1994, providing a \$14.65 billion investment. The committee will oversee the implementation of these funds to ensure that all communities have access to clean, affordable wastewater infrastructure. The *IIJA* also provided \$3 billion for the Brownfields program and \$3.5 billion for the Superfund program, both of which are important for sustainable long-term economic growth and protection of human health and the environment. The committee maintains its position that no cleanup projects should fail to advance due to lack of funding and will monitor the implementation of these funds to ensure EPA gives the highest priority to projects that protect human health, water quality, and the environment, while creating the most jobs and economic activities.

Surface Transportation

The *IIJA* included a five-year surface transportation reauthorization to provide funding to roads, bridges, safety programs, public transit, tribal transportation facilities, and other surface transportation programs through fiscal year 2026. Specifically, the *IIJA* provided \$303.5 billion under the highway account of the Highway Trust Fund (HTF) and \$69.9 billion under the mass transit account of the HTF. It also provided \$65.8 billion in supplemental general funds for various highway and multimodal programs and \$21.3 billion in supplemental general funds for various transit programs.

The committee intends to oversee the implementation of the *IIJA* to ensure that this substantial investment in the nation's surface transportation network is done in a way that enhances safety for all road users, improves access to jobs and essential services, promotes innovation, and continues the longstanding partnership between the federal government, states, and local governments with respect to surface transportation programs.

Rail

The *IIJA* authorized and appropriated more than \$100 billion for the country's rail network. The *IIJA* included federal support for Amtrak and states and entities seeking to improve and expand intercity passenger and freight rail service. Finally, it included competitive grant programs to improve the safety, efficiency, and reliability of freight and intercity passenger rail and eliminate highway-rail grade crossings.

The committee plans to conduct oversight and review of actions taken by the Federal Railroad Administration (FRA), freight railroads, Amtrak, and the Surface Transportation Board (STB). Specifically, the committee will closely monitor *IIJA* and other regulatory actions to ensure that funds are used responsibly. Furthermore, the committee will also closely monitor important agency deadlines in *IIJA* to ensure that agencies are not falling behind in their statutory obligations and congressionally mandated priorities.

The committee also plans to reauthorize the STB this year. The *Surface Transportation Board Reauthorization Act of 2015* (P.L. 114-110) last reauthorized the STB through 2020. The STB is primarily the economic regulator of freight railroads and is a five-member independent agency whose members are appointed by the President with the advice and consent of the Senate, serving staggered five-year terms.

In addition, the committee intends to authorize a disadvantaged business enterprise (DBE) program at the FRA. Unlike similar agencies at the Department of Transportation (DOT), including the Federal Highway Administration (FHWA), FAA, and the Federal Transit Administration (FTA), no DBE program exists at the FRA.

General Services Administration – Federal Real Property and Public Buildings

The Committee will continue evaluating the needs and authorities of the General Services Administration (GSA). The GSA faces asset management challenges due to insufficient funding from the federal buildings fund, difficulties in disposing of excess property, an aging inventory, a high percentage of leases expiring by the end of fiscal year 2023, instability in the real estate market, and agencies—as result of the COVID-19-pandemic—being unsure of their new needs as their old leases expire. The committee also intends to continue examining whether GSA's current outlease program guidelines provide sufficient protection of federal assets.

The committee will also work with GSA to further reduce the impact of federal buildings on the environment. The committee will examine whether opportunities exist to leverage private sector interests in federal real estate, not only in providing new office space, but also in modernizing existing inventory. Finally, the committee will look to understand how GSA helps federal agencies develop new space, design, and health needs for their employees as the country continues to work through and recover from the COVID-19 pandemic.

Federal Emergency Management Agency

The Federal Emergency Management Agency (FEMA) supports state, local, tribal, and territorial governments and manages and coordinates the federal response to, and recovery from,

major domestic disasters and emergencies of all types, in accordance with the *Robert T. Stafford Disaster Relief and Emergency Assistance Act* (*Stafford Act*; P.L. 93-288, as amended). FEMA leads the U.S. in preparing for, preventing, mitigating the effects of, responding to, and recovering from all domestic disasters, whether natural or man-made, including terrorist attacks. FEMA has been tested in recent years by the COVID-19 pandemic and by disasters that are becoming more costly and frequent.¹ The committee has been, and will continue to be, actively involved in providing assistance and guidance to Members of Congress whose districts have been impacted by these disasters.

FEMA's Individual Assistance (IA) programs include the Individuals and Households Program (IHP), Mass Care and Emergency Assistance, the Crisis Counseling Assistance and Training Program, Disaster Unemployment Assistance, Disaster Legal Services, and Disaster Case Management. IHP is the primary FEMA program to assist disaster survivors; it covers housing needs such as home repair, limited property replacement, and rental assistance. While FEMA's IA programs are not intended to replace insurance or meet the full post-disaster needs of survivors, recent declared events have been a cause for concern regarding both denial rates for IA, as well as suspected fraudulent registrations for FEMA assistance. The committee remains frustrated that IHP applications are at an all-time low and intends to advance legislation to address the shortcomings of the IA program in general.²

FEMA's Public Assistance (PA) programs reimburse state, local, tribal, and territorial governments and certain non-profit organizations for the cost of emergency protective measures, debris removal, and repair and replacement of public infrastructure damaged in a disaster. Due to the increased frequency and intensity of natural disasters, fiscal year 2020 marked the largest obligation for PA to date—even when excluding PA obligations related to the COVID-19 pandemic.³ FEMA's National Advisory Council found that applicants consistently report that “the PA process feels disjointed, is overburdensome, and has far too many requirements.”⁴ Some communities with limited resources have reported that navigating the PA process is so challenging that they opt to forgo the program. The committee continues to work with FEMA to streamline the PA process, reduce complexity in the recovery, and make assistance more accessible to under resourced communities.

In addition, the committee will continue to conduct oversight of all FEMA's disaster response and recovery activities—including implementation of the *Disaster Recovery Reform Act*, which was enacted as part of the broader FAA reauthorization package (P.L. 115-254)—to ensure FEMA is able to effectively support its state, local, tribal, and territorial partners. Finally, the committee will examine any additional measures to ensure FEMA resources are funding smart and strategic mitigation and resilience projects and efforts.

¹ National Oceanic and Atmospheric Administration, “Billion-Dollar Weather and Climate Disasters: Overview,” available at <https://www.ncdc.noaa.gov/billions/>.

² Hannah Dreier, Assistance Not Approved, *Washington Post* (April 25, 2021), available at <https://www.washingtonpost.com/nation/2021/04/25/fema-disaster-assistance-denied/>.

³ Congressional Research Service, *FEMA's Public Assistance Program: A Primer and Considerations for Congress*, R46749, (April 2021).

⁴ National Advisory Council, *Report to the Administrator*, (December 2021), available at https://www.fema.gov/sites/default/files/documents/fema_nac-2021-report-211216.pdf.

COVID-19 Pandemic

In response to the COVID-19 pandemic, Congress and the Executive Branch took a range of actions to protect the health and economic security of American individuals and businesses. Congress included \$5.9 trillion of relief and job protection measures in the *CARES Act* (P.L. 116-136), the *Consolidated Appropriations Act, 2021* (P.L. 116-260), the *American Rescue Plan* (P.L. 117-2), and other legislation. Federal agencies, including FEMA, the operating administrations within DOT, and the U.S. Department of the Treasury are responsible for administering and overseeing more than \$200 billion in federal assistance provided for transportation and emergency management. These agencies also conduct other pandemic response and recovery functions. For example, FEMA helped supply states and localities with personal protective equipment, distributed vaccine and testing supplies, and provided reimbursements for many activities tied to the COVID-19 pandemic response. Within DOT, the FAA, the FTA, and other modal administrations provided pandemic-related guidance and support to their respective modes to help keep employees and passengers on our nation's transportation systems safe.

As the country continues to work through and recover from the COVID-19 pandemic, the committee will continue to conduct oversight and evaluate the ongoing impact to ensure the entities, agencies, industries, and workforce within its jurisdiction are provided the support and resources they need to recover from this public health and economic crisis.

Conclusion

This report was circulated to all Members of the Committee on Transportation and Infrastructure for their review and comment and was approved in a Full Committee meeting on April XX, 2022. While the report reflects a bipartisan effort, the committee wishes to emphasize that not all Members of the Committee necessarily agree with every aspect of the report. Accordingly, the committee reserves its flexibility to determine program needs, and recognizes the potential for funding changes as the committee and Congress work their will through the legislative process.