

AUTHORIZATION AND OVERSIGHT PLAN FOR THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE – 118TH CONGRESS

In accordance with Rule X clause 2(d) of the Rules of the House of Representatives, the Committee on Transportation and Infrastructure (Committee) is responsible for determining whether laws and programs within its jurisdiction are being effectively implemented according to Congressional intent and whether they should be continued, changed, or eliminated. In the 118th Congress, the Committee will examine options to improve the overall performance and operation of the agencies and entities it oversees, promote cost savings, and eliminate wasteful spending, mismanagement, and abuse.

The Committee will also evaluate the Administration's annual budget requests with respect to programs and activities within the Committee's jurisdiction. To ensure the responsible stewardship of taxpayer resources, the Committee will rigorously examine how agencies and entities allocate funding and assess existing programs to prevent duplicative efforts.

In addition to Committee-led efforts, the work of the Government Accountability Office (GAO) and various Inspectors General (IG) will contribute to the Committee's oversight activities. For example, the GAO provides Congress with a biennial update on high-risk programs, highlighting Federal programs GAO considers needing broad reform or at risk for waste, fraud, abuse, or mismanagement. These reports will inform the Committee of areas ripe for oversight. Additionally, the Committee will hold hearings on waste, fraud, or mismanagement in government programs the Committee authorizes, focusing on egregious examples highlighted by the IG or GAO.

Following its investigations, the Committee will determine appropriate remedies to bring accountability to agency actions. The Committee will utilize all available tools, including introducing resolutions to reverse Administration policies, implementing legislation, and requesting additional investigations, to ensure that identified issues and Administration failures are properly addressed.

American Rescue Plan Act and COVID-19 Pandemic.

On March 13, 2020, President Trump formally tapped Federal Emergency Management Agency (FEMA) to join the Federal response to COVID-19, invoking the *Stafford Act*.¹ The *Coronavirus Aid, Relief, and Economic Security Act (CARES)* (P.L. 116-136) and the *Consolidated Appropriations Act of 2021* (P.L. 116-260) provided tens of billions of dollars in financial and regulatory relief for several agencies, industries, and stakeholders within the Committee's jurisdiction. In 2021, the *American Rescue Plan Act* (P.L. 117-2) provided further influxes of funding. During the 116th and 117th Congresses, the Committee organized multiple hearings and briefings on the Federal Government's efforts to address the COVID-19 pandemic.

¹ Letter from Donald J. Trump, President of the United States, to the Hon. Chad Wolf, Acting Sec'y, Dep't of Homeland Security, the Hon. Steven Mnuchin, Sec'y, Dep't of Treasury, the Hon. Alex Azar II, Sec'y, Dep't of Health and Human Services, & the Hon. Pete Gaynor, Administrator, FEMA (March 13, 2020) available at <https://trumpwhitehouse.archives.gov/briefings-statements/letter-president-donald-j-trump-emergency-determination-stafford-act/>.

In the 118th Congress, the Committee will continue oversight of laws and response efforts intended to respond to the COVID-19 pandemic. The Committee will closely oversee the implementation, awards, and effects of these relief programs. For example, under FEMA the Committee will examine COVID-19 response efforts and whether the disaster relief fund (DRF) and broad authority were utilized correctly.

Additionally, the COVID-19 pandemic presented unique challenges to the United States' aviation industry. In the months following the initial spread of the novel coronavirus within the United States in 2020, commercial air travel plummeted by as much as 90 percent from the same periods in 2019, and many companies were forced to initially furlough tens of thousands of aviation employees due to the harsh economic effects.² The passage of the *CARES Act* and subsequent pandemic relief bills helped airlines, airports and other aviation stakeholders retain thousands of jobs that would have otherwise been lost due to the effects of the pandemic.³ The Committee will closely review the aviation industry's use of financial relief awarded under the Acts; and awardees' compliance with any conditions contained therein.

Infrastructure Investment and Jobs Act (IIJA).

The *Infrastructure Investment and Jobs Act (IIJA)* (P.L. 117-58) represented the largest Federal investment in decades in the United States' infrastructure. This legislation provided \$1.2 trillion for infrastructure programs over five years, from Fiscal Year (FY) 2022 to FY 2026, of which \$661 billion will be administered by the Department of Transportation (DOT). *IIJA* included provisions to address the Nation's infrastructure, including roads, bridges, transit, railroads, water-related infrastructure, and airports, as well as energy and broadband.

While *IIJA* provided historic levels of funding to address America's infrastructure needs, stakeholders have raised concerns that persistently high inflation is undermining those funding increases. The Committee will conduct extensive oversight to monitor the disbursement of *IIJA* funds to ensure DOT complies with Congressional intent, as well as the effective and efficient use of the taxpayers' dollars.

IIJA devotes record amounts of funding to competitive grants that are to be awarded by the Administration through the Notice of Funding Opportunity process. Overall, total funding for DOT increased 61 percent in FY 2022, compared to FY 2021. As part of that funding, in FY 2022, the first year of *IIJA*, funding for competitive grants was five times higher than in FY 2021.⁴ The Committee's oversight activities will include monitoring DOT's awarding of these grant funds to ensure compliance with the statutory requirements. The Committee will also examine the impact of increased construction costs due to record inflation levels and supply chain challenges, and on the ability of Federal agencies to complete cost-effective projects.

² See TRANSP. SEC. ADMIN., *TSA Checkpoint Travel Numbers (Current Year(s) Versus Prior Year/Same Weekday)*, <https://www.tsa.gov/coronavirus/passenger-throughput>.

³ See, Niraj Chokshi, *Relief Bill Gives Airline and Airport Workers a Reprieve, for Now*, N.Y. TIMES (Mar. 11, 2021), available at: <https://www.nytimes.com/2021/03/11/business/stimulus-bill-airline-jobs.html>.

⁴ Jeff Davis, *Status Check: The First Year of IIJA Competitive Grant Funding*, ENO CENTER FOR TRANSPORTATION, (Sept. 6, 2022), available at <https://www.enotrans.org/article/status-check-the-first-year-of-iija-competitive-grant-funding/>.

Further, the Committee will utilize its oversight activities to bring accountability and transparency to the implementation of *IJJA*.

Inflation Reduction Act Implementation.

The *Inflation Reduction Act (IRA)* (P.L. 117-169) provided significant funding following the passage of *IJJA*. Given the new programs for alternatives in energy and low-carbon materials, the Committee will conduct oversight on the ability of Federal agencies to complete cost-effective projects. Further, the Committee will utilize its oversight activities to bring accountability and transparency to the implementation of *IRA*.

Subcommittee on Aviation

The Subcommittee on Aviation has broad jurisdiction over all aspects of civil aviation, including safety, infrastructure, labor, economic regulation, and international issues. Within this scope of responsibilities, the Subcommittee has jurisdiction over the Federal Aviation Administration (FAA), a modal administration within DOT. This jurisdiction covers all programs within the FAA, as well as aviation programs of the DOT with respect to economic regulation of air carriers and passenger airline service. In addition, the Subcommittee has jurisdiction over commercial space transportation, the National Mediation Board (NMB), and the National Transportation Safety Board (NTSB). The oversight activities of the Subcommittee will work to ensure the effective and efficient operation of the civil aviation industry, by ensuring the implementation of common-sense policies that put safety and American taxpayers first.

Fiscal Years 2024 and 2025 Budget Requests.

The Subcommittee will review and evaluate the FY 2024 and FY 2025 budget proposals for the agencies within the Subcommittee's jurisdiction including the FAA, NMB, and NTSB.

Safety Programs.

During the last several Congresses, the Subcommittee held numerous safety hearings and will continue this oversight in the 118th Congress. Maintaining a safe and efficient aviation system is critical to the aviation industry, passengers, the United States economy, job creation, and our Nation's competitiveness in the global marketplace. Issues the Subcommittee may address include general aviation safety, key safety agreements, the safe integration of unmanned aircraft systems (UAS) and advanced air mobility (AAM), pilot and air traffic controller training, losses of separation between aircraft, the FAA's enforcement and certification activities, commercial airline safety, and the FAA's voluntary reporting and data-sharing and assessment programs.

National Transportation Safety Board (NTSB).

The *FAA Reauthorization Act of 2018* (P.L. 115-254) authorized NTSB programs through FY 2022. The bill included provisions to improve transparency of the NTSB's investigations and enhance the public's understanding of the Board's safety recommendations.

The Subcommittee will conduct oversight of NTSB's implementation of the *FAA Reauthorization Act of 2018* and evaluate whether the intended objectives are achieved.

Oversight of the Commercial Space Industry.

The mission of the FAA's Office of Commercial Space Transportation is to ensure protection of the public, property, and the National security and foreign policy interests of the United States during commercial launch or reentry activities; and to encourage, facilitate, and promote the United States' commercial space transportation. The Subcommittee will continue to monitor the status and future of the United States' commercial transportation industry and the FAA's role in providing safety oversight of the industry.

Evaluation of FAA's Next Gen Air Traffic Control Modernization.

Since the early 1980s, the FAA has worked to modernize the air traffic control system, and its most current effort is the Next Generation Air Transportation System (NextGen). NextGen is intended to increase airspace system efficiency; reduce noise exposure, pollution, and fuel burn; improve safety; increase accuracy and reliability in the equipment and software used for navigation and air traffic control; and maintain the capacity for future technology enhancements. Over the years, the FAA's NextGen efforts have been behind schedule and over budget. The Subcommittee will continue to examine the FAA's efforts to establish performance metrics, meet deadlines, stay within budget, ensure appropriate level of aircraft equipment with NextGen avionics, and pursue solutions to identified challenges.

Cybersecurity of the National Airspace System.

As the FAA modernizes air traffic control technology, and the aviation industry modernizes the aircraft fleet, concerns about the robustness and resiliency of these systems have arisen. Ensuring the cybersecurity of these systems is critical. The *FAA Extension, Safety, and Security Act of 2016* (P.L. 114-190) directed the FAA to implement a strategic framework for cybersecurity. The *FAA Reauthorization Act of 2018* (P.L. 115-254) required the FAA to review and assess, and update as appropriate, this strategic framework. The Subcommittee will continue its oversight of the cybersecurity activities of the FAA and relevant stakeholders to ensure appropriate steps are being taken by the FAA to address cyberthreats. Additionally, the Subcommittee will monitor whether the FAA's strategic framework for cybersecurity is being effectively employed.

Implementation of FAA Extension, Safety, and Security Act of 2016.

The *FAA Extension, Safety, and Security Act of 2016* (P.L. 114-190) authorized funding for the FAA through FY 2017 and contained several safety-critical and time-sensitive reforms. The Subcommittee will continue to oversee the FAA's efforts to implement the provisions of this Act.

Implementation of FAA Reauthorization Act of 2018.

The *FAA Reauthorization Act of 2018* (P.L. 115-254) authorized Federal aviation programs and policies through FY 2023. The Act included numerous provisions aimed at maintaining and advancing the Nation's global leadership in aviation by putting American jobs, American innovation, aviation safety, and the traveling public first. The Subcommittee will continue oversight of the implementation of this Act, including the safe and efficient integration of unmanned aircraft systems (UAS) into the National Air-space System (NAS) and the growth of the United States' commercial space transportation industry.

Implementation of Aircraft Certification, Safety, and Accountability Act

The *Aircraft Certification, Safety, and Accountability Act* (P.L. 116-260; Division V) was signed into law on December 27, 2020. This Act provided significant reforms to the FAA's aircraft certification process; increased transparency, accountability, and integrity in FAA regulation of United States aircraft manufacturers; addresses issues identified related to human factors, automation in the cockpit, and international pilot training; and authorizes nearly \$275 million over five years in robust FAA oversight, staffing increases, and aviation safety-improving programs and initiatives, among other things. The Subcommittee will closely oversee the efforts of the FAA to implement the provisions in the Act, as well as the effects this Act has on safety and the United States aerospace industry.

Oversight of Implementation and Deployment of Counter-UAS Authority.

The ubiquity and capability of UAS pose unique safety and security challenges that are different for traditional aviation. Therefore, in the *National Defense Authorization Act (NDAA) for FY 2017* (P.L. 114-328) and the *NDAA for FY 2018* (P.L. 115-91), the Department of Defense (DOD) and the Department of Energy (DOE) were granted counter-UAS authorities to protect certain military and nuclear facilities and assets in the United States. The *FAA Reauthorization Act of 2018* (P.L. 115-254) provided similar authority to the Department of Justice (DOJ) and Department of Homeland Security (DHS) to counter credible threats from UAS to protect critical assets and facilities within the agencies' purview. Under the *Consolidated Appropriations Act, 2023* (P. L. 117-328), the counter-UAS authority for DOJ and DHS will expire on September 30, 2023. The Subcommittee will closely oversee the agencies' implementation of their respective counter-UAS authorities to ensure close and continued coordination with the FAA to reduce impacts on United States airspace and to ensure the safety of civil aviation.

Investment in Aviation Infrastructure.

America's airports are part of a global aviation system, and as such they must remain safe and efficient in order to compete with global hubs of air commerce. Airports rely on Airport Improvement Program (AIP) funding, supplemented with revenue from the statutorily authorized passenger facility charge, which is capped at \$4.50 per segment and \$18 per round trip. The Subcommittee will conduct oversight, as appropriate, regarding airport financing and the FAA's administration of the AIP.

Airline Financial Position Customer Service.

The Office of the Secretary (OST) within DOT is responsible for economic oversight of the airline industry, including ensuring that air carriers do not engage in unfair and deceptive practices that could harm consumers and that business agreements among air carriers do not result in harmful effects. DOT's action in this regard may have a dramatic impact on the industry, competition, job creation, and airlines' obligations to their passengers. The Subcommittee will continue to examine opportunities to improve the airline industry's competitiveness, review recently established regulations to ensure the aviation system remains safe and accessible to the traveling public, and provide oversight of standards for passenger service.

5G C-Band Deployment and Aviation Safety.

The Subcommittee will continue its oversight of the 5G C-band deployment, examining safety concerns related to how the C-band spectrum was reallocated for 5G wireless services. Many aviation stakeholders have expressed concerns about the potentially harmful radio frequency interference with certain aviation safety equipment. Given the safety and economic ramifications of this conflict for both the aviation and telecommunications industries, the Subcommittee continues to advocate for a long-term resolution to this apparent conflict in spectrum use and ensure that 5G wireless services, and future spectrum reallocations, can safely coexist with aircraft operations in the NAS.

Subcommittee on the Coast Guard and Maritime Transportation

The Subcommittee has broad authority over the programs and activities of the United States Coast Guard codified under titles 14 and 46, United States Code, and other statutes. *The Don Young Coast Guard Authorization Act of 2022* (P.L. 117-263; Division K) authorized discretionary Coast Guard funding levels of \$14.22 billion in FY 2023.

The Subcommittee also has jurisdiction over the Federal Maritime Commission (FMC) and the non-defense programs of the Maritime Administration (MARAD). FMC is responsible for the economic regulation of United States 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 and shipbuilding industries. The *Ocean Shipping Reform Act of 2022* (P.L. 117-146) authorized funding for the FMC of \$38.26 million in FY 2023 and \$43.72 million in FY 2024, and \$49.2 million for FY 2025. Division C of title XXXV of the *James M. Inhofe NDAA for FY 2023* (P.L. 117-263) authorized \$1.63 billion for FY 2023 to support MARAD's activities, including \$750 million for the Port Infrastructure and Development Program, \$30 million for the Small Shipyard Grant Program, \$15 million for the Maritime Environmental and Technical Assistance Program, and \$15 million for the Marine Highway program.

Fiscal Years 2024 and 2025 Coast Guard and Maritime Budget Requests.

The Subcommittee will hold hearings on the President's budget requests for FY 2024 and FY 2025 and consider legislation to authorize the Coast Guard and MARAD. The Subcommittee

will explore ways to improve Coast Guard operations, and laws governing maritime transportation. Additionally, the Subcommittee will explore ways to promote job growth in the domestic fleet while reducing costs at both FMC and MARAD.

Coast Guard Acquisition.

The Coast Guard is currently undergoing a major recapitalization of its oceangoing and shoreside assets, including the initiation of a new Offshore Patrol Cutter (OPC) Program and construction of Polar Security Cutters to replace its aged assets. The recapitalization will replace or modernize more than 90 ships and approximately 200 aircraft used to carry out the Service's missions beyond near coastal waters. The recapitalization program will also upgrade shoreside facilities and replace antiquated information technology systems, as well as command, control, and communications systems. The program continues to face serious challenges related to schedule and budget. The longer the acquisition program drags out, the more resources are siphoned off to maintain existing assets. In many cases, those assets, especially the Medium Endurance Cutter fleet and the Heavy Icebreaker fleet, are at or beyond projected service life and are more difficult and expensive to maintain. The Subcommittee is concerned that delays in new asset acquisition and the cost to maintain increasingly less reliable legacy assets threatens the ability of the Service to complete this recapitalization and avoid gaps in operational capability.

The Subcommittee will continue to closely review the programs of record, as well as any changes to those programs which may be advisable or necessary to ensure the men and women of the Coast Guard who risk their lives for our Nation have the best equipment possible to carry out their mission at the best price for the taxpayer. Among its oversight efforts, the Subcommittee will examine the status of the OPC and Polar Security Cutter acquisition. Also, the Subcommittee expects to review improvements to shoreside facilities, the acquisition of Coast Guard IT systems, and Coast Guard rotary aircraft needs and its plan to transition to a primary MH-60 fleet while reducing the number of rotary aircraft assets to ensure to the Coast Guard can meet its operational needs.

Mission Balance.

The Subcommittee continues to have concerns regarding the Coast Guard's ability to balance funding among its many distinct and competing missions. Since September 11, 2001, significant additional resources have been directed to the Service's homeland activities. Security-related missions such as ports, waterways, and coastal security and migrant interdiction have seen dramatic increases from pre-September 11, 2001, funding levels. Growing geopolitical tension in South Asia and the China Sea, and numerous calls for the Coast Guard to play a more active role in the region, might further stretch Coast Guard resources.

The Subcommittee will continue its oversight of Coast Guard mission balance to ensure the Service qualitatively and quantitatively reviews its many missions, makes and justifies decisions about which missions it cannot afford to meet performance measures, identifies and responds to exigencies that divert resources between missions, and plans how it allocates resources appropriately among its many missions.

Maritime Domain Awareness.

Maritime Domain Awareness (MDA) is the effort to know what is happening at all times on the ocean, coastal, and interior waters of the United States, and aboard the vessels that transit in or through waters under United States' jurisdiction. The successful implementation of MDA is critical to maritime safety, homeland security, and the efficiency and reliability of the United States maritime supply chain.

As the Coast Guard relies on several new and developing technologies to acquire, manage, and disseminate interoperable MDA information, the Subcommittee will continue its oversight of the Service's ongoing efforts to assess, develop, and implement new MDA technologies to ensure that Coast Guard operations are informed by the best MDA information possible that is gathered in a timely, reliable manner, and provides high value for the taxpayer. The Subcommittee will also examine the costs imposed on maritime stakeholders as part of the MDA program and examine methods to reduce those costs without negative impacts to quality and quantity of MDA information.

Coast Guard Prevention and Response Activities.

The Coast Guard plays major roles in response to oil spills and natural disasters. The Service serves as the Federal On-Scene Coordinator and National Incident Commander for oil spills on water. The Service is also a first responder for natural disaster in coastal areas, and accidents at sea. The Subcommittee will conduct oversight of the Coast Guard's crisis prevention and response capabilities. Oil spills, natural disasters, and mass migration events can each over-extend the Coast Guard's prevention and response systems and capabilities. The Subcommittee will examine the Coast Guard's prevention and response programs, including its existing regulations authorizing the use of Alternative Planning Criteria.

United States Marine Highways.

United States Marine Highways support the waterborne movement of commercial freight between two ports in the United States or between ports in the United States and Canada. At the present time, the most highly developed water freight transportation system in the United States operate on the Mississippi River, the Great Lakes, and the St. Lawrence Seaway. Revitalization of our marine highways has the potential to reduce congestion on our highways, improve air quality, and create new maritime industry jobs for Americans. The Subcommittee will examine potential options for increasing the cost-competitiveness and expanded use of this important transportation system. This will include oversight of MARAD's Marine Highway Program and the program's impact on increasing vessel traffic along these important routes.

National Maritime Strategy.

Section 3542 of the *James M. Inhofe NDAA for FY 2023* (P.L. 117-263) directed the Secretary of Transportation and the Secretary of the Department of Homeland Security, in which the Coast Guard is operating, to enter into an agreement with a Federally funded research and development center to complete a study within one year of the date of enactment, that identifies

the key elements needed for a National maritime strategy that is designed to among other things, ensure a capable, commercially viable, and military useful United States flag fleet, a robust United States mariner workforce and a strong domestic shipbuilding infrastructure.

As MARAD and the Coast Guard enter into the study to further develop a comprehensive strategy to promote and expand economic opportunities for United States-flag carriers and related marine industries, the Subcommittee will conduct oversight of their efforts.

Status of the United States Merchant Marine and Coast Guard Recruiting Challenges.

The Subcommittee remains concerned with the downward trend in the number of licensed and unlicensed United States mariners and a potential spike in attrition when many seafarers approach retirement age. The recruitment, training, and retention of credentialed United States mariners is necessary to not only maintain a United States flag presence on the high seas and in the United States domestic coastwise trade, but also to maintain sufficient seafarers to operate vessels deployed for military sealift during times of National emergency. At the same time, the Coast Guard, like other services, faces recruiting challenges that could harm the Service's readiness.

The Subcommittee will continue its oversight of the issues involved in the current deficit of licensed merchant mariners and Coast Guard recruiting issues and explore potential options to expand the United States maritime workforce and strengthen the Coast Guard's ability to attract qualified service members. The Subcommittee will also look at credentialing requirements for United States seafarers, including recent Coast Guard enforcement of mariner credential requirements for non-maritime, industrial, and technical workers on vessels. Furthermore, the Subcommittee will examine ways to facilitate viable pathways for separating servicemembers to enter the commercial maritime workforce, either at sea, on the docks, or in the shipyards through the existing Military to Mariner initiative.

Additionally, the Subcommittee will continue its oversight of the Coast Guard's efforts to eliminate sexual harassment and sexual assault amongst its ranks.

Supply Chain, Port Infrastructure, and Implementation of the Ocean Shipping Reform Act.

As FMC continues its work to implement the *Ocean Shipping Reform Act* (P.L. 117-146), the Subcommittee will review FMC's efforts to support trade opportunities for American exporters and improve the practices of international ocean shipping at our ports that contribute to a well-functioning supply chain. At the same time, the Subcommittee will review port infrastructure programs, including MARAD's Port Infrastructure Development Grant (PIDG) Program, to ensure the programs are operating effectively and contributing to the enhancement and efficiency of port operations.

Subcommittee on Economic Development, Public Buildings, and Emergency Management

The Subcommittee on Economic Development, Public Buildings, and Emergency Management is responsible for the authorization and oversight of Federal real estate programs,

including construction, repair, alteration, maintenance, and acquisition of such real property; the authorization and oversight of programs promoting economic development in communities suffering economic distress; the authorization and oversight of programs addressing the full cycle of Federal management of emergencies and disasters – preparing for, protecting against, responding to, recovering from, and mitigating against future emergencies and disasters; and a variety of measures affecting homeland security, including building security provided by the Federal Protective Service (FPS). The Subcommittee will utilize its oversight activities to ensure that the Federal Government is responsibly stewarding taxpayer resources as it manages properties and responds to disasters.

Fiscal Years 2024 and 2025 Budget Requests.

The Subcommittee will review and evaluate the FY 2024 and FY 2025 budget proposals for the agencies within the Subcommittee’s jurisdiction including the Economic Development Administration (EDA), FEMA, FPS, the General Services Administration’s (GSA’s) Public Buildings Service, and the regional commissions.

Emergency Management.

The Subcommittee will continue to examine and evaluate the Nation’s ability to prevent, prepare for, mitigate against, respond to, and recover from disasters and emergencies of all types, including terrorism. Continued oversight will be needed as states continue to be impacted by and recover from prior disasters. In addition, the Subcommittee will continue its oversight of the Federal Emergency Management Agency’s (FEMA) implementation of reforms and authorities to the *Robert T. Stafford Disaster Relief and Emergency Assistance Act* (P.L. 93-288 as amended) (*Stafford Act*), the *Disaster Recovery Reform Act* (Division D of P.L. 115-254) (*DRRA*), the *Sandy Recovery Improvement Act of 2013* (P.L. 113-2), and the *Post-Katrina Emergency Management Reform Act of 2006* (P.L. 109-295).

Further, the Subcommittee will continue its comprehensive review and assessment of how Federal disaster assistance has evolved over the past several decades and its continued effectiveness. The purpose is to examine how and why disaster costs and losses have continued to increase, which agencies provide assistance and how that money is spent, what guidance or controls are in place for the effective use of assistance, the appropriate role of the Federal Government, and measures that can improve resilience. Moreover, the Subcommittee will examine the appropriate role of FEMA and use of its resources and authorities by the Secretary of Homeland Security.

Border Security.

Border Security remains a critical issue in our Nation. Given the crisis at the Southern border, the Subcommittee will examine the use of resources within its jurisdiction and the Executive Branch’s allocation of resources and funds in accordance with the law. The Subcommittee will also continue its oversight of Land Ports of Entry (LPOEs) construction projects, the implementation of the Public-Private Partnerships program, and examine additional ways in which private dollars could be leveraged.

Leasing.

The GSA owns or leases more than 8,800 assets, maintains an inventory of nearly 370 million square feet of workspace, and preserves approximately 500 historic properties. The GSA owns more than 1,500 Federal buildings with a total of 190 million square feet of space, and leases 187 million square feet of space in more than 8,100 leased properties.⁵ The Subcommittee will continue its oversight of GSA leasing and how it manages the replacement of expiring leases with quantifiable value for the taxpayer.

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 leasing to meet long-term space needs and 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. This level of deterioration could have significant consequences for tenant agency missions and taxpayer costs. The Subcommittee will continue to examine how GSA manages its maintenance portfolio and whether GSA is sufficiently prioritizing maintenance requests.

The COVID-19 pandemic changed the way Federal workers utilize real property. The Subcommittee will examine how the pandemic affected the amount and type of space GSA tenants need and what that means for future project funding. However, even prior to COVID-19, excess space existed across government adding to the cost to the taxpayer. The Subcommittee will examine current space utilization and work to reduce real estate costs. Additionally, the Subcommittee will continue oversight of the Public Buildings Reform Board created by the *Federal Assets Sale and Transfer Act of 2016* (P.L. 114-287), which is charged with developing recommendations for the sale or redevelopment of high value real estate assets.

The Subcommittee will also examine alternative solutions for leveraging private investment in capital projects, such as public private partnerships, to reduce the costs to the taxpayer, ensure buildings are properly maintained, and address problems with deferred maintenance.

Capital Investment and Leasing Program (CILP).

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 Federal Government and taxpayer.

⁵ See GSA, *Public Buildings Service*, available at <https://www.gsa.gov/about-us/organization/public-buildings-service> (last visited Jan. 17, 2023); see also GSA, *GSA Properties*, available at <https://www.gsa.gov/real-estate/gsa-properties> (last visited Jan. 17, 2023).

Federal Courthouses.

The Subcommittee will closely oversee the progress made on authorized courthouses to ensure they are constructed within the limitations placed upon them by the Committee and the United States Courts Design Guide, including courtroom sharing by judges and staying below or within budget. The Subcommittee will also examine when and whether new courthouses are needed and whether newly constructed courthouses are overbuilt.

Federal Protective Service (FPS).

The Subcommittee will continue to monitor and review the policies, procedures, and requirements of security at public buildings, as well as requirements of security at public buildings. The Subcommittee's oversight activities will also track the use of the FPS's law enforcement authority to ensure resources are appropriately focused on securing Federal buildings.

Architect of the Capitol (AOC).

The Subcommittee will engage in ongoing oversight of projects being undertaken by the AOC pursuant to the Master Plan for the Capitol Complex. Consistent oversight will ensure proper prioritization and cost savings.

Smithsonian Institution Facilities.

The Subcommittee will conduct oversight of projects undertaken by the Smithsonian Institution including the acquisition, construction, and use of local and remote museums, research and storage facilities of the Institution, as well as future needs for new museums authorized by Congress. The Subcommittee will continue to ensure cost-effective solutions to the Smithsonian's space needs, such as leveraging private dollars and disposal or effective reuse of underused assets.

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, including Federal funds received due to the pandemic.

Economic Development.

The Subcommittee will work to ensure economic development programs leverage private dollars through infrastructure improvements to attract new jobs to distressed communities. The Subcommittee will conduct oversight to determine if these programs are targeted, effective, and adhering to their core missions. Additionally, the Subcommittee will continue its oversight of disaster relief funds appropriated to the EDA programs to assist communities impacted by natural disasters and the COVID-19 pandemic.

Subcommittee on Highways and Transit

The Subcommittee on Highways and Transit has jurisdiction over Federal surface transportation policies, as well as transportation infrastructure and safety. The Subcommittee will broadly conduct oversight activities to ensure that our Nation's highways are safe, and American tax dollars are stewarded responsibly in the support of infrastructure improvement projects. The Subcommittee will closely monitor the regulations and guidance issued by DOT to ensure the agency is acting in accordance with Congressional intent.

Fiscal Years 2024 and 2025 Budget Requests.

The Subcommittee will review and evaluate the FY 2024 and FY 2025 budget proposals for agencies within its jurisdiction, including the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), National Highway Traffic Safety Administration (NHTSA), the Federal Motor Carrier Safety Administration (FMCSA), and OST.

Supply Chain Crisis.

The rapid spread of COVID-19 exposed fragilities in transportation networks, with a disruption in one part of the supply chain having a ripple effect across all parts of the supply chain, from manufacturers to suppliers and distributors. Weaknesses in the global supply chain were exacerbated by supply and demand imbalances, restrictions and regulations, and workforce and infrastructure challenges. The Subcommittee will perform oversight of the supply chain and explore solutions to ensure resilience.

Infrastructure Surface and Transit Programs and Grants.

IJA reauthorized Federal surface and transit transportation programs through FY 2026. While *IJA* provided significant funding increases to address America's infrastructure needs, stakeholders have raised concerns that persistently high inflation is undermining those funding increases. The majority of funding in *IJA* (under FHWA, FTA, and OST) allows recipients up to four years to obligate funding. If high inflation levels continue, *IJA*'s funding increases in the outyears also could be threatened. The Subcommittee will examine the impacts of inflation on infrastructure program and grant funding. Further, the Subcommittee will continue to assess the implementation of *IJA*'s mandates and grant programs through its oversight activities, particularly focused on ensuring that funding and grants criteria fall in line with *IJA*.

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. The Subcommittee will continue to monitor the status and solvency of the HTF.

Subcommittee on Railroads, Pipelines, and Hazardous Materials

The Subcommittee on Railroads, Pipelines, and Hazardous Materials has jurisdiction over all Federal laws and programs regulating railroad transportation, as well all Federal laws and programs regulating the safety of gas and liquid pipelines and safety of transporting material and freight that has been classified as hazardous. The Subcommittee will conduct oversight to ensure these activities occur in a safe and efficient manner. Additionally, the Subcommittee will work to hold Federal agencies accountable for their use of taxpayer resources, bringing greater transparency to agency decisions.

Fiscal Years 2024 and 2025 Budget Requests.

The Subcommittee will review and evaluate the FY 2024 and FY 2025 budget proposals for agencies within its jurisdiction, including the Federal Railroad Administration (FRA), Amtrak, the Surface Transportation Board (STB), the Railroad Retirement Board, the National Mediation Board, and the Pipelines and Hazardous Materials Safety Administration (PHMSA).

Rail Infrastructure and Safety Programs.

Congress has authorized and appropriated legislation addressing rail infrastructure and safety improvements. For example, the Railroad Rehabilitation and Improvement Financing program (RRIF) was established by the *Transportation Equity Act for the 21st Century* (P.L. 105-178) (*TEA-21*) and amended by the *Safe, Accountable, Flexible and Efficient Transportation Equity Act: a Legacy for Users* (P.L. 109-59) (*SAFETEA-LU*), the *Rail Safety Improvement Act of 2008*, the *Fixing America's Surface Transportation Act (FAST Act) of 2015*, and *IJA*. Under this program, DOT is authorized to provide direct loans and loan guarantees up to \$35 billion. Up to seven billion dollars is reserved for projects benefiting short line (Class II and III) freight railroads. Further, the Consolidated Railroad Infrastructure and Safety Improvements (CRISI) grant program was authorized in Section 11301 of the *FAST Act*. Under this program, DOT is authorized to provide grants up to \$1 billion annually for both passenger and freight rail capital projects, workforce development and research, among others. Additionally, the Railroad Crossing Elimination Program was authorized in Sections 22104 and 22305 of *IJA* at up to \$500 million per year. This program provides funding for grade separation or closure, including through the use of a bridge, embankment, tunnel, or combination thereof; track relocation; and the planning of these projects. The Subcommittee's oversight activities will include monitoring the use of these funds.

The FRA is the component of DOT responsible for administering Federal railroad safety laws and rail grant programs. The broad safety authority of the FRA encompasses railroad safety practices, equipment, and reporting. The FRA is also responsible for inspecting railroad operations for compliance with Federal safety requirements. Federal rail safety statutes are found in subtitle V of title 49, U.S.C. The Subcommittee will conduct oversight of FRA's safety programs.

Amtrak.

The National Railroad Passenger Corporation, known as “Amtrak,” was created by the *Rail Passenger Service Act of 1970*, and its operations were additionally restructured by subsequent authorizations including the *Passenger Rail Investment and Improvement Act of 2008* (P.L. 110-432) (*PRRIA 2008*). Amtrak operates three types of routes: the Northeast Corridor, operated on mostly Amtrak-owned track with costs allocated between Amtrak and commuter rail partners in accordance with Section 212 of *PRRIA 2008*; long-distance routes operated directly by Amtrak codified by *PRRIA 2008*; and state supported routes less than 750 miles, funded by states with costs allocated in accordance with Section 209 of *PRRIA 2008*.

The *Passenger Rail Reform and Investment Act of 2015* (*PRRIA 2015*) was included as Title XI of the *FAST Act*, and reauthorized Amtrak funding through FY 2020. *PRRIA 2015* further changed the Federal funding of Amtrak by authorizing grants by service – the NEC and the National Network – rather than providing separate grants for operating and capital/debt service activities. Funds may be transferred between accounts upon notification to the Amtrak Board of Directors. This Act also reformed Amtrak’s operations, budgeting, and planning processes to reflect the lines-of-business approach, including the allocation of costs and revenues to each account, and provided new procedures for Amtrak to follow when preparing and submitting a request for Federal grants.

PRRIA 2015 also required Amtrak’s accounting to be more transparent. Amtrak must provide detailed information to states on the costs of the routes for which the state provides financial support. Further, Amtrak is required to complete detailed five-year capital and financial plans, with annual explanations of the prior year’s performance relative to the plan. *PRRIA 2015* also established a State-Supported Route Advisory Committee, named the State-Amtrak Intercity Passenger Rail Committee, to promote mutual cooperation and planning pertaining to the rail operations of Amtrak and related activities of trains operated by Amtrak on state-supported routes, which account for nearly half of Amtrak’s total ridership.

IJA provided intercity passenger and freight rail generally, and Amtrak specifically, with historic levels of funding, including \$66 billion in advance appropriations over five years. *IJA* also redesignated the *FAST Act’s* Federal-State Partnership for State of Good Repair grant program to the Federal-State Partnership for Intercity Passenger Rail grant program, and included advance appropriations of \$36 billion for the program, of which no more than \$24 billion can be awarded to projects on the Northeast Corridor, as identified in the FRA–created Northeast Corridor Inventory. *IJA* also authorized \$7.5 billion for potential future appropriations for the restructured program. The law further directed the Secretary of Transportation to take steps to develop intercity passenger rail corridors. *IJA* also made other Amtrak changes, including changing one of its missions from achieving profit, to be in line with other Federally funded surface transportation programs to operate as a public service.

Due to Amtrak’s reliance on Federal funding, the Subcommittee exercises extensive oversight of the railroad to ensure that it is serving passengers reliably in accordance with statutory mandates and is responsibly spending its taxpayer funds. Specific areas of concern include prioritizing issues with Amtrak’s existing network over plans for expansion, working with the private sector and states, ADA compliance, Southern border issues, profitability, policing, and generally following Congressional mandates.

Surface Transportation Board.

The *Surface Transportation Board Reauthorization Act of 2015* (P.L. 114-110) reauthorized the STB for the first time since the agency was created in 1995, which was a reconstituted Interstate Commerce Commission (ICC) in place since the *Interstate Commerce Act of 1887*. The STB, as was the ICC, is the economic regulator of the freight railroads and as such is responsible for monitoring freight railroad service. The 2015 Act established the STB as a wholly independent Federal agency; expanded the STB's membership from three to five members; gave the STB authority to investigate issues of National or regional significance on its own initiative; and reauthorized the agency's funding through FY 2020. The Act also directed the STB to modify its voluntary arbitration process and made other changes to improve the STB's efficiency and responsiveness. The Subcommittee will continue to monitor freight railroad service, the STB's regulatory agenda and transparency into its operation, and potential need for grant funding. Finally, the Committee will continue to review STB and assess its authorization and funding structure.

Pipeline Safety Programs.

Congress reauthorized the PHMSA's pipeline safety program in the 116th Congress by enacting the *Protecting Our Infrastructure of Pipelines and Enhancing Safety (PIPES) Act of 2020* (P.L. 116-260) (*PIPES Act of 2020*). The *PIPES Act of 2020* reauthorized the PHMSA's pipeline safety program for FY 2021 through FY 2023 and supports PHMSA in its mission to ensure the millions of miles of pipelines in the United States are safe, reliable, and environmentally sound.

The *PIPES Act of 2020* addressed pipeline methane emissions by directing pipeline operators to conduct leak detection and repair programs in an effort to protect the environment and pipeline safety, while enabling advanced leak detection technologies. The bill also required PHMSA study and implement best available technologies or practices to prevent or mitigate the release of natural gas when making planned repairs or maintenance, and when intentionally venting or releasing natural gas during blowdowns or other activities.

The *PIPES Act of 2020* supported PHMSA's oversight and rulemaking activities, by increasing the minimum number of full-time inspection and enforcement personnel, as well as subject matter experts who support agency rulemaking efforts. The legislation also required frequent reporting to Congress on progress made toward completing outstanding mandates. The Subcommittee will conduct oversight of the Office of Pipeline Safety at PHMSA. Additionally, the Subcommittee will monitor the implementation of the *PIPES Act of 2020*, including tracking updates on the completion of outstanding mandates. The Subcommittee will monitor PHMSA's overall work on pipeline safety, as well as any outstanding mandates from the 2016 pipeline safety bill. Finally, the Committee will continue to review PHMSA and assess its authorization and funding structure.

Hazardous Materials Safety.

The *Hazardous Materials Transportation Safety Improvement Act of 2015*, enacted as Title VII of the *FAST Act*, reauthorized the hazardous materials safety program through FY 2020. The Act included a number of provisions to enhance safety, with a significant focus on the transportation of flammable liquids, including crude oil, by rail. In 2021, *IIJA* reauthorized the hazardous materials safety program through FY 2026 and included an increase in authorization level for hazardous materials grant programs. *IIJA* also included authorization for the assistance for local emergency response training or “ALERT” grant program. The ALERT grant program allows PHMSA to promote hazmat response training for volunteer or remote emergency responders for activities that include the transportation of crude oil, ethanol, and other flammable liquids by rail. The legislation also requires Class I railroads that transport hazardous materials to share train consist information, including the quantity of hazardous materials and the origin and destination of the train, so that railroads provide this information electronically to appropriate State and local first responders, rather than through a third party. The Subcommittee will continue oversight of PHMSA’s hazardous materials safety program.

Subcommittee on Water Resources and Environment

The Subcommittee on Water Resources and Environment has jurisdiction over matters relating to water resources development, conservation and management, water pollution control and water infrastructure, and hazardous waste cleanup. The Subcommittee’s oversight activities will examine Federal actions impacting its jurisdiction, and work to ensure the programs under its jurisdiction benefit everyday Americans, businesses, farmers, and property owners, and protect the nation’s water related environment from Federal overreach and burdensome regulations.

Fiscal Years 2024 and 2025 Budget Requests.

The Subcommittee will review and evaluate the FY 2024 and FY 2025 budget proposals for the agencies within its jurisdiction, including programs administered by the DOT, the Environmental Protection Agency (EPA), the United States Army Corps of Engineers (Corps), the United States Department of Agriculture (USDA), the National Oceanic and Atmospheric Administration (NOAA), and the Tennessee Valley Authority (TVA).

Clean Water Act and Water Infrastructure Programs.

Continued improvement of water quality will likely require a combination of regulatory and non-regulatory approaches, as well as continued investment in the implementation of water quality-related and water infrastructure programs. The Subcommittee’s oversight will focus on issues related to these approaches and investments.

The Subcommittee will conduct oversight of the implementation of various regulatory and non-regulatory programs under the *Clean Water Act (CWA)*, including how the EPA and the Corps implement these programs in conjunction with the states, and the trend on the effectiveness of the *CWA* on water quality. This includes oversight of issues involving the establishment and implementation of water quality standards, total maximum daily loads, effluent limitations and pretreatment requirements, dealing with discharges of oil or hazardous

substances, permitting of point source discharges of pollutants under the National Pollutant Discharge Elimination System (NPDES) permit program, permitting of discharge of dredged or fill materials under CWA section 404 permit program, and how the EPA and Corps assert Federal jurisdiction and make jurisdictional decisions under the CWA. Oversight will also include an examination of Federal and state policies and efforts to address the presence of nutrients and other contaminants in waters under the CWA and other Federal statutes, science and data quality issues, the impact of CWA-associated releases on waters that may be used as a source of drinking water, and continued efforts to improve the management of combined and sanitary sewer overflows, stormwater, and nonpoint sources of pollution.

IJA included the first reauthorization of the Clean Water State Revolving Fund (SRF), the primary source of Federal wastewater infrastructure funding, since its enactment in 1987, and appropriated \$11.7 billion for the Clean Water SRF program from FY 2022 through FY 2026. *IJA* also required that 49 percent of appropriated Clean Water SRF funds be allocated by States to eligible recipients as 100 percent principal forgiveness or grants (or a combination of these). Continued investments in our Nation's water-related infrastructure should prioritize the creation of American jobs, should support a healthy economy and a healthy water-related environment, and should be affordable to communities facing financial challenges. In furtherance of this point, 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; opportunities for utilities to increase their overall efficiency and resiliency; wastewater security; and infrastructure needs.

Further, the Subcommittee's oversight will include a review of the EPA's implementation of integrated approaches to municipal stormwater and wastewater management through EPA's integrated planning approach framework. The Subcommittee may investigate whether non-regulatory approaches, such as water quality trading and other market-based approaches, and other innovative approaches undertaken by state and local government, could result in improvements to the environment. Section 50204 of *IJA* amended the Sewer Overflow and Stormwater Reuse Municipal Grant Program, notably requiring EPA to work with the states to use at least 25 percent of grant awards on projects in rural communities with a population of less than 10,000 people and/or financially distressed communities as defined by each state. The Subcommittee will monitor the implementation of this grant program.

Moreover, the Subcommittee may review the implications of addressing, through traditional CWA permitting requirements, certain pollutant discharges, including discharges of pesticides, ballast water and incidental discharges from vessels, stormwater, and water transfers.

The Corps Water Resources Program.

The Subcommittee will review efforts to improve the efficiency and effectiveness of the organization, management, and missions of the civil works program of the Corps, including the selection, planning, and implementation of water resources projects; financing and maintenance of harbor and inland waterways infrastructure, and utilization of large, medium, and small harbors; the backlog of uninitiated Corps construction projects or deferred Corps maintenance 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, transparency, and consistent implementation of the Agency's regulatory programs, including those pertaining to wetlands (including the jurisdictional 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 2022*, including those that were intended to improve the efficiency of the project planning and project delivery process.

The Subcommittee will focus on facilitating projects for the Nation to be built more efficiently and cost effectively, thereby more quickly delivering project benefits to the public, while ensuring compliance with existing planning and environmental laws. In addition, the Subcommittee will review Corps' activities to ensure that the Corps review of proposed non-Federal sponsor modifications to Federal projects are carried out in an effective manner.

EPA -Superfund/Comprehensive Environmental Response Compensation, and Liability Act and Brownfields.

The Superfund program under the *Comprehensive Environmental Response, Compensation, and Liability Act* (P.L. 96-51) (*CERCLA*) is aimed at cleaning up land in the United States that has been contaminated by hazardous waste and poses a risk to human health and/or the environment. The Brownfields program was authorized under *the Brownfields Revitalization and Environmental Restoration Act* (which amended *CERCLA*). The Brownfields program is aimed at enhancing state, local, and private-sector cleanups of properties, the redevelopment or use of which may be complicated by the presence or potential presence of a contaminant. Unaddressed Brownfields and Superfund sites pose potential human health concerns, drive down property values and tax revenues, and can deter reinvestment in cities and towns. The Brownfields program protects from Superfund liability many parties engaged in voluntary Brownfields cleanups and supports state and local Brownfields assessment and cleanup activities, and state voluntary cleanup programs. The Subcommittee's oversight will focus on issues related to implementation of the Superfund and Brownfields programs, as well as assess authorization of the Brownfields program, which expires at the end of FY 2023.

The Subcommittee will review efforts to improve the efficiency and effectiveness of the contaminated site cleanup process, the process of assessing natural resources damages, and the efforts to hold responsible parties accountable, consistent with Federal law. In addition, the Subcommittee will review the liability, financing, and settlement mechanisms and procedures under the current Superfund program, including the relation of funding sources and levels for the Superfund and Brownfields programs to current demands and needs. The Subcommittee will continue to review implementation of *the Small Business Liability Relief and Brownfields Revitalization Act* (P.L. 107-118). This includes evaluating whether there is a need to amend the liability provisions associated with Brownfields sites, including those providing protections for innocent parties.

The Subcommittee will also review the role of the states in conducting financing cleanups, and review the relationships among the states, EPA, and other Federal entities in implementing the Superfund and Brownfields programs. Further, the Subcommittee's oversight

will include a review of ongoing Federal, state, and local efforts to revitalize brownfields, including through the implementation of the *Small Business Liability Relief and Brownfields Revitalization Act*. Finally, the Subcommittee will work to promote state, local, and private efforts to clean up and redevelop Superfund and Brownfields sites.

Tennessee Valley Authority.

The Subcommittee will review the management of TVA and its programs, including its energy program, operations in the current marketplace, its long-term management of TVA assets, properties and byproducts of energy generation, labor relations, and the impact of TVA debt on its long-term goals.

International Boundary Water Commission.

The International Boundary and Water Commission (IBWC) was established in 1889 with the responsibility for applying the boundary and water treaties between the United States and Mexico and settling any disputes over their application. The body is comprised of both the United States and Mexican sections, headed by an Engineer-Commissioner who is appointed by the President. The United States Section is headquartered in El Paso, TX, and operates under the guidance of the State Department. The IBWC carries out, in accordance with their governing treaties, the distribution, regulation, and conservation of water in the Rio Grande and Colorado Rivers for use by both countries; joint construction, operations, and maintenance of international storage dams and reservoirs and hydroelectric plants, flood protection, and sanitation projects for border water quality problems, as well as demarcating the boundary between the United States and Mexico.

In the *United States-Mexico-Canada Agreement Implementation Act* (P.L. 116–113), Congress appropriated \$300 million to EPA for the planning, design, and construction of high priority wastewater facilities in the area of the United States-Mexico Border. The Subcommittee will continue to conduct oversight over the implementation of this funding and the coordination between EPA and IBWC to carry out this work. The Subcommittee will also continue its oversight of IBWC’s efforts to upgrade the International Outfall Interceptor in Nogales, Arizona.

“Waters of the United States” (WOTUS) Rulemakings.

Congress enacted the 1972 amendments to the *Federal Water Pollution Control Act*, commonly referred to as the *Clean Water Act (CWA)*, with the goal of restoring and maintaining the integrity of the Nation’s waters. The *CWA* protects “navigable waters,” which is defined in the *CWA* as the “waters of the United States, including the territorial seas.”

The *CWA* does not further define the term “waters of the United States” (WOTUS), leaving it up to EPA and the Corps to define which waters are subject to Federal regulation under the *CWA*. Since the *CWA* grants authority to EPA and the Corps to implement the Act, EPA and the Corps have promulgated several sets of rules interpreting the agencies’ jurisdiction over WOTUS and the corresponding scope of *CWA* authority.

A clear and consistent WOTUS definition, which is consistent with the statutory intent of CWA and operates with certainty and efficiency to protect the environment and sustain and grow new jobs is crucial to achieving the goals of the CWA. The Subcommittee will examine any proposed or final rules issued by the Administration relating to WOTUS, and their implementation. Additionally, the Subcommittee will assess the regulatory burden of any rule, highlighting the impact of these changes on regulatory certainty.

EXPIRING AUTHORIZATIONS OF PROGRAMS WITHIN THE JURISDICTION OF THE COMMITTEE

During the 118th Congress, as part of both its oversight and legislative agenda, the Committee will review the authorizations of agencies and programs within its jurisdiction. In addition to the efforts outlined above, the reauthorization activities of the Committee will include legislation regarding the FAA, the Coast Guard, water resources development projects, and pipeline safety.

The following pieces of legislation contain programs within the Committee's jurisdiction that have expiring authorizations in FY 2023. First, the *FAA Reauthorization Act of 2018* (P.L. 115-254) contains several expiring authorizations including those for the Airport Improvement Program (AIP), FAA operations, Essential Air Service, air navigation facilities and equipment, Federal aviation research, engineering, and development, supplemental discretionary grants for airport improvement, the Know Before You Fly education campaign, and small community air service.⁶ Second, *America's Water Infrastructure Act of 2018* (P.L. 115-270), includes expiring authorizations for levee safety programs, dam safety research and training, and the Long Island Sound Stewardship Initiative.⁷ Third, the *Frank LoBiondo Coast Guard Authorization Act of 2018* (P.L. 115-282) contains an expiring authorization for the activities of the Great Lakes and Lake Champlain Invasive Species Program.⁸ Fourth, the *Agriculture Improvement Act of 2018* (P.L. 115-334) contains expiring authorizations for the Northern Border Regional Commission, the Southeast Crescent Regional Commission, and the Southwest Border Regional Commission.⁹ Fifth, the *Consolidated Appropriations Act, 2021* (P.L. 116-260) Divisions V and R includes provisions related to the FAA's oversight of organization designation authorization unit members, the FAA providing certification personnel continuing education, international authorities at the FAA, as well as pipeline safety and associated grants.¹⁰ Sixth, the *STORM Act* (P.L. 116-284) contains a provision authorizing FEMA to provide grants to states for disaster relief. Seventh, *IIJA* (P.L. 117-58) has an expiring authorization for Amtrak to conduct a daily long-distance service study.¹¹ Eighth, the *James M. Inhofe NDAA for FY 2023* (P.L. 117-263) Division K includes expiring authorizations related to the Maritime Administration, the Coast Guard, and the Alteration of Bridges Program.¹² Finally, the *Consolidated Appropriations Act, 2023* (P.L. 117-328), contains expiring authorizations related to levee stability projects for the

⁶ See Pub. L. 115-254, §§ 158, 356, 455.

⁷ See Pub. L. 115-270, §§ 1144, 1163, 4104 (c).

⁸ See Pub. L. 115-282, §903(g)(7).

⁹ See Pub. L. 115-334, §6304(e).

¹⁰ See Pub. L. 116-260, Div. V §§ 104(a), 107(a), 112(a), 119(f), 119(g), Div. R § 101(a),(b).

¹¹ See Pub. L. 116-284.

¹² See Pub. L. 117-263, Div. K, §§1101(1), (2)(C), (3)(A), (3)(B), (5)(B).

CalFed Bay-Delta and a pilot program providing grants to develop comprehensive plans for advanced air mobility infrastructure.¹³

Authorizations within the Committee's jurisdiction also expired in FY 2022. Those provisions were included in the *FAA Reauthorization Act of 2018* (P.L. 115-254) and are related to the NTSB, grants to administer the Emergency Management Assistance Compact, and Emergency Management Performance Grants.¹⁴

Further, within the Committee's jurisdiction are several programs contained within the *Railroad Retirement Act*, the *Railroad Retirement and Survivors' Improvement Act*, and the *Railway Labor Act* that are permanently authorized. The Committee will work to conduct the necessary reviews of these programs over this and next Congress. Such oversight may include hearings, roundtables, site visits, GAO investigations, IG Audits, briefings and meetings with the relevant agency, and oversight letters to the relevant agency, as appropriate. Upon completion of such review and oversight, the Committee will determine the appropriate next steps regarding these permanent authorizations.

¹³ See Pub. L. 117-328, Div. D §204(a), Div. Q §101(c)(1).

¹⁴ See Pub. L. 115-254, §§1217(b),(c).