

TRANSPORTATION AND INFRASTRUCTURE REPORTS
RESTORATION ACT OF 2000

APRIL 3, 2000.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. SHUSTER, from the Committee on Transportation and
Infrastructure, submitted the following

REPORT

[To accompany H.R. 4052]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 4052) to preserve certain reporting requirements under the jurisdiction of the Committee on Transportation and Infrastructure of the House of Representatives, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

H.R. 4052 is a Committee-wide bill to restore reporting requirements that would be eliminated as part of the Federal Reports Elimination and Sunshine Act of 1995, 31 U.S.C. 1113. Section 3003 of that Act eliminated thousands of reports that had been required by the Congress and were referenced in a Communication from the Clerk of the House dated January 5, 1993. The 1995 Act had provided for a sunset date of December 21, 1999. Section 236 of the Omnibus Appropriations Act for fiscal year 2000, P.L. 106-113, passed last fall extended this deadline until May 15, 2000. This bill provides that the 1995 Act does not apply to the reports listed.

Section 3003 of the 1995 Act only applied to “annual, semi-annual, regular or periodic report” specified in the Clerk’s report. This Committee has not included prospectuses for leases by the General Services Administration or resolutions prepared pursuant to section 11-b because it does not believe that they are annual, semi-annual regular or periodic within the meaning of Section 3003. Attached is a letter from the General Services Administra-

tion in which they agree that these submissions are not covered by Section 3003.

The Committee also does not believe that Section 3003 of the 1995 Act applies to budgetary submissions by the National Transportation Safety Board or the Federal Aviation Administration because they are budgetary submissions, and not reports.

COMMITTEE ACTION

On March 22, 2000, Chairman Shuster and Ranking Member Oberstar introduced H.R. 4052, a bill to preserve certain reporting requirements under the jurisdiction of the Transportation and Infrastructure Committee of the House of Representatives, and for other purposes.

On March 23, 2000 the Committee on Transportation and Infrastructure met to consider H.R. 4052 and for other purposes. Since the bill included matters within the jurisdiction of all six subcommittees, it was not referred to any subcommittee. H.R. 4052 was unanimously ordered reported to the full House of Representatives without amendment by voice vote.

SECTION-BY-SECTION ANALYSIS OF H.R. 4052

SECTION 1. SHORT TITLE

This section contains the short title of the bill.

SECTION 2. PRESERVATION OF CERTAIN REPORTING REQUIREMENTS REGARDING WATER RESOURCES AND ENVIRONMENT

This section preserves reports that are in the jurisdiction of the Subcommittee on Water Resources and Environment.

SECTION 3. PRESERVATION OF CERTAIN REPORTING REQUIREMENTS REGARDING SURFACE TRANSPORTATION

Subsection (a) preserves reports that are in the jurisdiction of the Subcommittee on Ground Transportation regarding federal highway, transit, and highway safety programs.

Subsection (b) makes changes to reports regarding the implementation of the rail-highway grade crossing and hazard elimination programs.

Subsection (c) changes the date for a report regarding mass transportation programs.

SECTION 4. PRESERVATION OF CERTAIN REPORTING REQUIREMENTS REGARDING EMERGENCY MANAGEMENT

This section preserves reports that are in the jurisdiction of the Subcommittee on Oversight, Investigations and Emergency Management.

SECTION 5. PRESERVATION OF CERTAIN REPORTING REQUIREMENTS RELATING TO ECONOMIC DEVELOPMENT

This section preserves reports that are in the jurisdiction of the Subcommittee on Economic Development, Public Buildings, Hazardous Materials and Pipeline Transportation related to economic development matters.

SECTION 6. PRESERVATION OF CERTAIN REPORTING REQUIREMENTS
RELATING TO THE COAST GUARD AND MARITIME TRANSPORTATION

This section preserves reports that are in the jurisdiction of the Subcommittee on Coast Guard and Maritime Transportation.

SECTION 7. PRESERVATION OF CERTAIN REPORTING REQUIREMENTS
RELATING TO RAILROADS

This section preserves reports that are in the jurisdiction of the Subcommittee on Ground Transportation relating to railroads.

SECTION 8. PRESERVATION OF CERTAIN REPORTING REQUIREMENTS
RELATING TO PUBLIC BUILDINGS

This section preserves reports that are in the jurisdiction of the Subcommittee on Economic Development, Public Buildings, Hazardous Materials and Pipeline Transportation related to public buildings matters.

SECTION 9. PRESERVATION OF CERTAIN REPORTING REQUIREMENTS
RELATING TO AVIATION

This section preserves reports that are in the jurisdiction of the Subcommittee on Aviation.

HEARINGS AND LEGISLATIVE HISTORY

No hearings were held on H.R. 4052. However, over the last year, the Committee received comments and information from Federal agencies and other Congressional Committees regarding the 1995 Act and specific reporting requirements.

ROLLCALL VOTES

Clause 3(b) of rule XIII of the House of Representatives requires each committee report to include the total number of votes cast for and against on each roll call vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no rollcall votes on H.R. 4052.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

COMPLIANCE WITH HOUSE RULE XIII

1. With respect to the requirement of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, and 308(a) of the Congressional Budget Act of 1974, the Committee references the Committee Cost Estimate, included below.

2. With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 4052.

3. With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has not yet received a cost estimate for H.R. 4052 from the Director of the Congressional Budget Office.

COMMITTEE COST ESTIMATE

This bill does not authorize or make available any new budget authority, nor does it cause any increase or decrease in revenues or tax expenditures. It simply prevents existing reporting requirements under the jurisdiction of the Committee on Transportation and Infrastructure from expiring. These reporting requirements are currently being carried out. The cost of continuing these reporting requirements is not expected to be significant.

The Committee will file a supplemental report containing a cost estimate prepared by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act when it becomes available.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause (3)(d)(1) of rule XIII of the Rules of the House of Representatives, committee reports on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the measure. The Committee on Transportation and Infrastructure finds that Congress has the authority to enact this measure pursuant to its powers granted under article I, section 8 of the Constitution.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act. (Public Law 104–4.)

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act. (Public Law 104–1.)

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 23, UNITED STATES CODE

* * * * *

CHAPTER 1—FEDERAL-AID HIGHWAYS

* * * * *

SUBCHAPTER I—GENERAL PROVISIONS

* * * * *

§ 130. Railway-highway crossings

(a) * * *

* * * * *

[(g) ANNUAL REPORT.—Each State shall report to the Secretary not later than December 30 of each year on the progress being made to implement the railway-highway crossings program authorized by this section and the effectiveness of such improvements. Each State report shall contain an assessment of the costs of the various treatments employed and subsequent accident experience at improved locations. The Secretary shall submit a report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives not later than April 1 of each year, on the progress being made by the State in implementing projects to improve railway-highway crossings. The report shall include, but not be limited to, the number of projects undertaken, their distribution by cost range, road system, nature of treatment, and subsequent accident experience at improved locations. In addition, the Secretary's report shall analyze and evaluate each State program, identify any State found not to be in compliance with the schedule of improvements required by subsection (d) and include recommendations for future implementation of the railroad highway crossings program.]

(g) ANNUAL REPORTS.—

(1) STATE REPORTS.—*Each State shall report to the Secretary not later than December 30 of each year on the progress being made to implement the railway-highway crossings program authorized by this section and to implement safety improvement projects for hazard elimination authorized by section 152 and the effectiveness of such improvements. Each State report shall contain an assessment of the cost of, and safety benefits derived from, the various means and methods used to mitigate or eliminate hazards and to improve railway-highway crossings and the previous and subsequent accident experience at improved locations.*

(2) SECRETARY'S REPORTS.—*The Secretary shall submit a report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives not later than April 1 of each year, on the progress being made by the States in implementing projects to improve railway-highway crossings and in implementing the hazard elimination program (including any projects for pavement marking). The report shall include, but*

not be limited to, the number of projects undertaken, their distribution by cost range, road system, nature of treatment, means and methods used, and the previous and subsequent accident experience at improved locations. In addition, the Secretary's report shall analyze and evaluate each State program, identify any State found not to be in compliance with the schedule of improvements required by subsection (d) and section 152(a), and include recommendations for future implementation of the railroad highway crossings and hazard elimination programs.

* * * * *

§ 152. Hazard elimination program

(a) * * *

* * * * *

[(g) Each State shall report to the Secretary of Transportation not later than December 30 of each year, on the progress being made to implement safety improvement projects for hazard elimination and the effectiveness of such improvements. Each State report shall contain an assessment of the cost of, and safety benefits derived from, the various means and methods used to mitigate or eliminate hazards and the previous and subsequent accident experience at these locations. The Secretary of Transportation shall submit a report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives not later than April 1 of each year on the progress being made by the States in implementing the hazard elimination program (including but not limited to any projects for pavement marking). The report shall include, but not be limited to, the number of projects undertaken, their distribution by cost range, road system, means and methods used, and the previous and subsequent accident experience at improved locations. In addition, the Secretary's report shall analyze and evaluate each State program, identify any State found not to be in compliance with the schedule of improvements required by subsection (a) and include recommendations for future implementation of the hazard elimination program.]

[(h)] (g) For the purposes of this section the term "State" shall have the meaning given it in section 401 of this title.

* * * * *

SECTION 308 OF TITLE 49, UNITED STATES CODE

§ 308. Reports

(a) * * *

* * * * *

(e)(1) The Secretary shall submit to Congress [in March 1998, and in March of each even-numbered year thereafter,], *together with each infrastructure investment needs report made under section 502(g) of title 23*, a report of estimates by the Secretary on the current performance and condition of public mass transportation

systems with recommendations for necessary administrative or legislative changes.

(2) In reporting to Congress under this subsection, the Secretary shall prepare a complete assessment of public transportation facilities in the United States. The Secretary also shall assess future needs for those facilities and estimate future capital requirements and operation and maintenance requirements for one-year, 5-year, and 10-year periods at specified levels of service.

COMMITTEE CORRESPONDENCE

GENERAL SERVICES ADMINISTRATION,
Washington, DC, October 18, 1999.

Hon. BOB FRANKS,
Chairman, Subcommittee on Public Buildings, Economic Development, Hazardous Materials, and Pipeline Transportation, Committee on Transportation, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This letter is a follow-up to a conversation between our staffs regarding the "Federal Reports Elimination and Sunset Act of 1995." This Act references a number of reports included in a list prepared by the Clerk of the House of Representatives (House Document 103-7), two of those being prospectuses and Building Project Surveys (11(b) reports). When this Act takes effect in December 1999, these two reports, along with a number of other reports listed in the House Document, will no longer be statutorily required.

I want to assure you that we fully intend to follow the process established by the Public Buildings Act of 1959, as amended. We will continue to submit both prospectuses as part of our annual Capital Investment and Leasing Program for authorization by Congress and 11(b) reports as directed by committee resolution.

Should you have any questions, or need additional information that might assist in a legislative technical correction, please contact Mr. Paul Chistolini, Deputy Commissioner, at (202) 501-1100.

Sincerely,

ROBERT A. PECK, *Commissioner.*

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 3, 2000.

Hon. DON YOUNG,
Chairman, Committee on Resources, Washington, DC.

DEAR MR. CHAIRMAN: This week the house will consider H.R. 4052, the Transportation and Infrastructure Reports Restoration Act of 2000. This bill will restore various reports to the Congress that were eliminated or grandfathered under the Federal Reports Elimination and Sunshine Act of 1995. While H.R. 4052 primarily contains provisions related to reports solely in the jurisdiction of the Committee on Transportation and Infrastructure, I recognize that Section 2 restores several reports which invoke the jurisdiction

of the Committee on Resources under Rule X of the Rules of the House of Representatives.

I agree that allowing this bill to go forward in no way impairs upon your jurisdiction over these provisions, and I would be pleased to place this letter and any response you may have in the *Congressional Record* during our deliberations on this bill. In addition, if a conference is necessary on this bill, I would support any request to have the Committee on Resources be represented on the conference with respect to the matters in question.

I look forward to passing this bill on the floor soon and thank you for your assistance.

Sincerely,

BUD SHUSTER, *Chairman*.
HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, April 3, 2000.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure, Rayburn HOB, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4052, the Transportation and Infrastructure Reports Restoration Act of 2000. I appreciate your recognition of the Committee on Resources' jurisdictional interest in several of the reports restored in Section 2 of the bill, and I have no objection to you scheduling the bill for consideration by the House of Representatives as soon as possible.

Thank you again for your cooperation and that of your staff. I look forward to working with you again on issues of mutual interest to our committees.

Sincerely,

DON YOUNG, *Chairman*.