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SENATE

{ REPORT
106-183

TECHNICAL CORRECTIONS TO THE WATER RESOURCES DEVELOPMENT ACT OF 1999

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OCTOBER 13, 1999.—Ordered to be printed
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Mr. CHAFEE, from the Committee on Environment and Public
Works, submitted the following

REPORT

[to accompany H.R. 2724]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred the bill (H.R. 2724), to make technical corrections to the Water Resources Development Act of 1999, having considered the same, reports favorably thereon with an amendment and recommends that the bill do pass.

GENERAL STATEMENT

On August 5, 1999, the Senate passed the Water Resources Development Act of 1999 (WRDA 99), which subsequently was signed into law on August 17, 1999 (P.L. 106-53). As minor technical errors were immediately brought to the committee's attention by the U.S. Army Corps of Engineers, the House of Representatives passed on August 5, 1999, H.R. 2724, a bill to make technical corrections to WRDA 99.

SECTION-BY-SECTION ANALYSIS

Sec. 1. Environmental Infrastructure

The bill includes language to correct references to the Environmental Infrastructure provision, Section 502 of the Water Resources Development Act of 1999 (P.L. 106-53).

It was the intent of Congress to increase the authorization levels for two projects initially authorized by the Water Resources Development Act of 1992 (P.L. 102-580). The increase for these two projects, in Jackson County, Mississippi and Manchester, New Hampshire, were inadvertently omitted in the drafting of WRDA 99. This bill adds the authorization increase for the Jackson County project (from \$10 million to \$20 million) and the authorization for the Manchester project (from \$10 million to \$30 million).

In addition, the authorization levels were transposed for two New Jersey projects, one in the city of Elizabeth and the other for the North Hudson Sewerage Authority. H.R. 2724 corrects this mistake so that the Elizabeth project is authorized at \$10 million and the North Hudson Sewerage Authority is authorized at \$20 million, as intended.

H.R. 2724 also corrects the authorization levels for projects in Atlanta, Georgia, and Paterson and Passaic County, New Jersey, both of which were provided authorization amounts in two different sections of the public law. As corrected, \$25 million is authorized for Atlanta and \$20 million is authorized for Paterson and Passaic County.

Sec. 2. Upper Mississippi River Environmental Management Program

H.R. 2724 includes language to correctly describe Section 509 of WRDA 99, the Upper Mississippi River Environmental Management Program. As the public law is written, section 509(c)(3) provides \$350,000 in authorization for the planning, construction, and evaluation of measures for fish and wildlife habitat rehabilitation and enhancement. Actually, the \$350,000 was intended to be authorized for the Advisory Committee, established under this provision to review projects, monitoring plans, and habitat and natural resource needs assessments. The amendment corrects this oversight.

Sec. 3. Delaware River, Pennsylvania and Delaware

The Delaware River project modification, Section 346 of WRDA 99, incorrectly states the three conditions to which the Secretary must adhere in determining the validity of carrying out the project. The amendment includes language to change the word “economically” where it first appears in section 346 to “environmentally” so that the section correctly reads: “that the project is technically sound, environmentally acceptable, and economically justified.”

Sec. 4. Project Reauthorizations

The bill includes language to correct administrative oversights and inconsistencies in Section 364 of WRDA 99 regarding the reauthorization of projects. The amendment will establish a 7-year limit for the Secretary of the Army to determine that each of the listed

projects is technically sound, environmentally acceptable, and economically justified. If no action is taken within 7 years of the date of enactment of this act, a project listed under Section 364 of WRDA 99 is deauthorized.

In addition, the amendment will remove from the list of reauthorized provisions the Indian River County, Florida shore protection project, a project which has remained authorized and presently is being funded.

Sec. 5. Shore Protection

Section 215 of WRDA 99 amends the Water Resources Development Act of 1986 (P.L. 99-602) to change the Federal/non-Federal cost share formula for periodic nourishment projects. The amendment includes language to clarify that projects for which a District Engineer's Report is completed by December 31, 1999, receive the old cost-share formula, as these projects already were underway when Congress enacted the formula change.

Sec. 6. Dam Safety

Section 504 of WRDA 99 provides assistance for dam safety at three sites. The amendment includes language to insert the designation "No. 5" after Kehly Run Dam, to distinguish which of the dams at this location is authorized under this provision.

HEARINGS

No hearings were held on H.R. 2724, the Technical Corrections to the Water Resources Development Act of 1999.

ROLLCALL VOTES

On September 29, 1999, the Environment and Public Works Committee held a business meeting at which an amendment by Senators Chafee and Warner to H.R. 2724 was considered and agreed to by voice vote. The measure was reported favorably with an amendment.

EVALUATION OF REGULATORY IMPACT

Section 11(b) of rule XXVI of the Standing Rules of the Senate requires publication in the report the committee's estimate of the regulatory impact made by the bill as reported. No regulatory impact is expected by the passage of H.R. 2724. The bill will not affect the personal privacy of individuals.

COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Act requires that a statement of the cost of a reported bill, prepared by the Congressional Budget Office, be included in the report. That statement follows:

U.S. CONGRESS,
 CONGRESSIONAL BUDGET OFFICE,
 Washington, DC, October 7, 1999.

Hon. JOHN H. CHAFEE, *Chairman,*
Committee on Environment and Public Works,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2724, an act to make technical corrections to the Water Resources Development Act of 1999. If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Megan Carroll (for federal costs), who can be reached at 226–2860, and Marjorie Miller (for the State and local impact), who can be reached at 225–3220.

Sincerely,

DAN L. CRIPPEN.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 2724, An act to make technical corrections to the Water Resources Development Act of 1999, as ordered reported by the Senate Committee on Environment and Public Works on September 29, 1999

H.R. 2724 would make technical corrections to the Water Resources Development Act of 1999 and would amend the level of appropriations authorized for the Army Corps of Engineers (Corps) to carry out certain provisions of that act. Under H.R. 2724, the total amount authorized to be appropriated to the Corps for providing technical, planning, and design assistance to nonfederal entities for certain water-related infrastructure projects would be reduced by \$15 million.

Based on information from the Corps, CBO estimates that implementing this legislation—by reducing amounts available to the Corps in future appropriations acts—would reduce discretionary spending by \$15 million over the 2000–2004 period. The act would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. H.R. 2724 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. State and local governments might incur some costs as a result of the bill's enactment, but these costs would be voluntary.

The CBO staff contacts are Megan Carroll, who can be reached at 226–2860, and Marjorie Miller (for the State and local impact), who can be reached at 225–3220. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

CHANGES TO EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, 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:

Public Law 102-580

WATER RESOURCES DEVELOPMENT ACT OF 1992

[As Amended Through P.L. 105-153, December 17, 1997]

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SEC. 219. ENVIRONMENTAL INFRASTRUCTURE.

* * * * *

(c) PROJECT DESCRIPTIONS.—The projects for which the Secretary is authorized to provide assistance under subsection (a) are as follows:

(1) * * *

[(5) JACKSON COUNTY, MISSISSIPPI.—Provision of an alternative water supply for Jackson County, Mississippi.]

(5) JACKSON COUNTY, MISSISSIPPI.—Provision of an alternative water supply and a project for the elimination or control of combined sewer overflows for Jackson County, Mississippi.

* * * * *

(e) AUTHORIZATION OF APPROPRIATIONS FOR CONSTRUCTION ASSISTANCE.—There are authorized to be appropriated for providing construction assistance under this section—

(1) [\$10,000,000] \$20,000,000 for the project described in subsection (c)(5);

* * * * *

(3) [\$10,000,000] \$30,000,000 for the project described in subsection (c)(7);

* * * * *

(f) ADDITIONAL ASSISTANCE.—The Secretary may provide assistance under subsection (a) and assistance for construction for the following:

(1) ATLANTA, GEORGIA.—The project described in subsection (c)(2), modified to include [\$25,000,000 for] watershed restoration and development in the regional Atlanta watershed, including Big Creek and Rock Creek.

(2) PATERSON, PASSAIC COUNTY, AND PASSAIC VALLEY, NEW JERSEY.—The project described in subsection (c)(9), modified to include [\$20,000,000 for] drainage facilities to alleviate flooding problems on Getty Avenue in the vicinity of St. Joseph's Hospital for the city of Paterson, New Jersey, and Passaic County, New Jersey, and innovative facilities to manage and treat additional flows in the Passaic Valley, Passaic River basin, New Jersey.

* * * * *

(33) ELIZABETH, NEW JERSEY.—[\$20,000,000] \$10,000,000 for a project to eliminate or control combined sewer overflows in the city of Elizabeth, New Jersey.

(34) NORTH HUDSON, NEW JERSEY.—[\$10,000,000] \$20,000,000 for a project to eliminate or control combined

sewer overflows [in the city of North Hudson, New Jersey] for the North Hudson Sewerage Authority.

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Public Law 99-662

WATER RESOURCES DEVELOPMENT ACT OF 1986

[As Amended Through P.L. 106-53, August 17, 1999]

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SEC. 103. FLOOD CONTROL AND OTHER PURPOSES.

* * * * *

(d) CERTAIN OTHER COSTS ASSIGNED TO PROJECT PURPOSES.—

* * * * *

(2) Periodic nourishment.—

(A) IN GENERAL.—In the case of a project authorized for construction after December 31, 1999, [or for which a feasibility study is completed after that date] except for a project for which a District Engineer's Report is completed by that date, the non-Federal cost of the periodic nourishment of the project, or any measure for shore protection or beach erosion control for the project, that is carried out—

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SEC. 1103. UPPER MISSISSIPPI RIVER PLAN.

(a) * * *

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(e) PROGRAM AUTHORITY.—

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(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out [paragraph (1)(A)(i)] paragraph (1)(B) \$350,000 for each of fiscal years 1999 through 2009.

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Public Law 106-53

WATER RESOURCES DEVELOPMENT ACT OF 1999

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SEC. 346. DELAWARE RIVER, PENNSYLVANIA AND DELAWARE.

The project for navigation, Delaware River, Philadelphia to Wilmington, Pennsylvania and Delaware, authorized by section 3(a)(12) of the Water Resources Development Act of 1988 (102 Stat. 4014), is modified to authorize the Secretary to extend the channel of the Delaware River at Camden, New Jersey, to within 150 feet of the existing bulkhead and to relocate the 40-foot deep Federal navigation channel, eastward within Philadelphia Harbor, from the Ben Franklin Bridge to the Walt Whitman Bridge, into deep water,

if the Secretary determines that the project as modified is technically sound, [economically] *environmentally* acceptable, and economically justified.

* * * * *

SEC. 346. PROJECT REAUTHORIZATIONS.

【Each】 *Subject to section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)), each of the following projects is authorized to be carried out by the Secretary, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified, as appropriate:*

【(1) INDIAN RIVER COUNTY, FLORIDA.—The project for shore protection, Indian River County, Florida, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4134) and deauthorized under section 1001(b)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(1)).**】**

【(2)】 (1) LIDO KEY BEACH, SARASOTA, FLORIDA.—

(A) IN GENERAL.—The project for shore protection, Lido Key Beach, Sarasota, Florida, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1819) and deauthorized under section 1001(b) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), at a total cost of \$5,200,000, with an estimated Federal cost of \$3,380,000 and an estimated non-Federal cost of \$1,820,000.

(B) PERIODIC NOURISHMENT.—The Secretary may carry out periodic nourishment for the project for a 50-year period at an estimated average annual cost of \$602,000, with an estimated annual Federal cost of \$391,000 and an estimated annual non-Federal cost of \$211,000.

【(3)】 (2) CASS RIVER, MICHIGAN (VASSAR).—The project for flood protection, Cass River, Michigan (Vassar), authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 311) and deauthorized under section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)).

【(4)】 (3) SAGINAW RIVER, MICHIGAN (SHIAWASSEE FLATS).—The project for flood control, Saginaw River, Michigan (Shiawassee Flats), authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 311) and deauthorized under section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)).

【(5)】 (4) PARK RIVER, GRAFTON, NORTH DAKOTA.—The project for flood control, Park River, Grafton, North Dakota, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4121) and deauthorized under section 1001(a) of that Act (33 U.S.C. 579a(a)), at a total cost of \$28,100,000, with an estimated Federal cost of \$18,265,000 and an estimated non-Federal cost of \$9,835,000.

【(6)】 (5) MEMPHIS HARBOR, MEMPHIS, TENNESSEE.—The project for navigation, Memphis Harbor, Memphis, Tennessee, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4145) and deauthorized pursuant to section 1001(a) of that Act (33 U.S.C 579a(a)), is authorized to be carried out by the Secretary.

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SEC. 504. DAM SAFETY.

(a) ASSISTANCE.—The Secretary may provide assistance to enhance dam safety at the following locations:

(1) * * *

(2) Kehly Run Dam *No. 5*, Pennsylvania.

