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REPORT
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LONG ISLAND SOUND AUTHORIZATION OF APPROPRIATIONS

NOVEMBER 14, 2005.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 3963]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 3963) to amend the Federal Water Pollution Control Act to extend the authorization of appropriations for Long Island Sound, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE LEGISLATION

The purpose of H.R. 3963 is to amend section 119 of the Federal Water Pollution Control Act (the Clean Water Act) to reauthorize appropriations for the Long Island Sound Program within the Environmental Protection Agency (EPA).

BACKGROUND AND NEED FOR LEGISLATION

More than 8 million people live within the watershed of the Long Island Sound. The Sound generates more than $5 billion annually for the regional economy from boating, swimming, commercial and sport fishing, and other activities. The Long Island Sound, like many estuaries across the nation, supports multiple uses and demands, and provides habitat for a multitude of fish and wildlife species. Increasing population growth and development have led to water quality issues arising from stormwater and agricultural runoff, wastewater discharges with high nutrient levels, industrial pollution, and commercial and recreational waste.

The Long Island Sound is one of the estuaries included in the National Estuary Program within EPA. The program is designed to

promote comprehensive planning for long-term protection of estuaries through collaborative voluntary efforts of Federal, State, local, non-profit, and private interests. Stakeholders developed a long-term Comprehensive Conservation and Management Plan (CCMP) for the Long Island Sound. EPA approved the Long Island Sound's CCMP in 1994.

Section 119 of the Clean Water Act, added in 1990, established the EPA Long Island Sound Program Office in the vicinity of the Sound, for the purposes of carrying out the CCMP, coordinating Federal and regional Long Island Sound activities, conducting studies, and supporting the Sound's management conference, among other activities. As amended in 2000 by P.L. 106–457, section 119(f) of the Clean Water Act authorizes, for each of the fiscal years 2001 through 2005, such sums as may be necessary to carry out the Long Island Sound program and $40 million for EPA to make grants for projects and studies to help implement the Sound's CCMP.

SUMMARY OF THE LEGISLATION

Section 1. Long Island Sound authorization of appropriations

Section 1 of H.R. 3963 amends section 119(f) of the Clean Water Act to extend the authorization of appropriations, through fiscal year 2010, of such sums as may be necessary for implementing the Long Island Sound program and of $40 million for grants for projects and studies to help implement the Sound's Comprehensive Conservation and Management Plan.

LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

The Committee on Transportation and Infrastructure met in open session on October 26, 2005, and ordered H.R. 3963 reported, without amendment, to the House by voice vote.

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 rollcall 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 recorded votes taken in connection with ordering H.R. 3963 reported. A motion to order H.R. 3963 reported to the House was agreed to by voice vote.

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.

COST OF LEGISLATION

Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been time-

ly submitted prior to the filing of the report and is included in the report. Such a cost estimate is included 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 section 308(a) of the Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office 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 performance goals and objective of this legislation are to restore and protect Long Island Sound water quality and the living resources of the Sound through the cooperative efforts of the Long Island Sound Program.

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 received the following cost estimate for H.R. 3963 from the Director of the Congressional Budget Office:

NOVEMBER 9, 2005.

Hon. DON YOUNG,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3963, a bill to amend the Federal Water Pollution Control Act to extend the authorization of appropriations for Long Island Sound.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Susanne S. Mehlman (for federal costs) and Lisa Ramirez-Branum (for the state and local impact).

Sincerely,

DOUGLAS HOLTZ-EAKIN.

Enclosure.

H.R. 3963—A bill to amend the Federal Water Pollution Control Act to extend the authorization of appropriations for Long Island Sound

Summary: H.R. 3963 would extend the authorization of appropriations for the Environmental Protection Agency's (EPA's) Long Island Sound program office through 2010. This office is responsible for monitoring the environmental health of Long Island Sound and for providing grants to state, interstate, and regional water-pollution-control agencies and other public and nonprofit agencies to support efforts to improve the environmental quality of Long Island Sound. Under current law, the office was authorized to receive annual appropriations of up to $40 million for grants and additional amounts necessary to support other activities related to EPA's oversight of the Long Island Sound program through 2005.

CBO estimates that implementing this legislation would cost $2 million in 2006 and $106 million over the 2006–2010 period, assuming appropriation of the necessary funds. Enacting the bill would not affect direct spending or revenues.

H.R. 3963 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). Any costs to state or local governments would be the result of complying with grant conditions.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 3963 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—				
	2006	2007	2008	2009	2010
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Spending Under Current Law:					
Budget Authority [1]	2	0	0	0	0
Estimated Outlays	6	5	3	2	1
Proposed Changes:					
Estimated Authorization Level	40	42	42	42	42
Estimated Outlays	2	12	24	32	36
Spending Under H.R. 3963:					
Estimated Authorization Level [1]	42	42	42	42	42
Estimated Outlays	8	17	27	34	37

[1] The 2006 level is the amount appropriated for that year for EPA to manage the Long Island Sound program. No appropriation was provided for grants.

Basis of estimate: The bill would authorize the appropriation of up to $40 million annually for grants to states to implement public notification programs on beach water quality through 2010. For this estimate, CBO assumes that the bill will be enacted before the end of calendar year 2005 and that the necessary amounts will be appropriated for each fiscal year. Based on historical spending patterns for this program, CBO estimates that providing the program grants would cost $98 million over the 2006–2010 period, with additional spending occurring in later years.

H.R. 3963 also would authorize the appropriation of such sums as may be necessary for activities related to EPA's management of the Long Island Sound program, including conducting studies and supporting conferences through 2010. Assuming appropriations for those activities would continue at the 2006 level and would be adjusted for anticipated inflation for this program, CBO estimates that implementing the program would cost $8 million over the 2007–2010 period.

Intergovernmental and private-sector impact: H.R. 3963 contains no intergovernmental mandates as defined by UMRA. The bill would reauthorize the Long Island Sound program office. Much of the funding authorized by the bill would provide for a grant program that requires matching funds from participating public or private entities such as qualified state and local governments. Any costs to those governments from the requirements of the program would be incurred voluntarily.

Estimate prepared by: Federal Costs: Susanne S. Mehlman. Impact on State, Local, and Tribal Governments: Lisa Ramirez-Branum. Impact on the Private Sector: Craig Cammarata.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

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).

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee states that H.R. 3963 does not preempt any state, local, or tribal law.

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):

SECTION 119 OF THE FEDERAL WATER POLLUTION CONTROL ACT

SEC. 119. LONG ISLAND SOUND.—(a) * * *

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(f) AUTHORIZATIONS.—(1) There is authorized to be appropriated to the Administrator for the implementation of this section, other than subsection (d), such sums as may be necessary for each of the fiscal years 2001 through [2005] *2010*.

(2) There is authorized to be appropriated to the Administrator for the implementation of subsection (d) not to exceed $40,000,000 for each of fiscal years 2001 through [2005] *2010*.

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