

AMENDING THE FEDERAL WATER POLLUTION CONTROL ACT TO REAUTHORIZE THE LAKE PONTCHARTRAIN BASIN RESTORATION PROGRAM, AND FOR OTHER PURPOSES

NOVEMBER 14, 2019.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 4275]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 4275) to amend the Federal Water Pollution Control Act to reauthorize the Lake Pontchartrain Basin Restoration Program, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:
Strike all after the enacting clause and insert the following:

SECTION 1. LAKE PONTCHARTRAIN BASIN RESTORATION PROGRAM REAUTHORIZATION.

(a) REVIEW OF COMPREHENSIVE MANAGEMENT PLAN.—Section 121 of the Federal Water Pollution Control Act (33 U.S.C. 1273) is amended—

(1) in subsection (c)—

(A) in paragraph (5), by striking “; and” and inserting a semicolon;

(B) in paragraph (6), by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(7) ensure that the comprehensive conservation and management plan approved for the Basin under section 320 is reviewed and revised in accordance with section 320 not less often than once every five years, beginning on the date of enactment of this paragraph.”; and

(2) in subsection (d), by striking “recommended by a management conference convened for the Basin under section 320” and inserting “identified in the comprehensive conservation and management plan approved for the Basin under section 320”.

(b) DEFINITIONS.—Section 121(e)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1273(e)(1)) is amended by striking “, a 5,000 square mile”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 121(f) of the Federal Water Pollution Control Act (33 U.S.C. 1273(f)) is amended—

(1) in paragraph (1), by striking “2001 through 2012 and the amount appropriated for fiscal year 2009 for each of fiscal years 2013 through 2017” and inserting “2020 through 2024”; and

(2) by adding at the end the following:

“(3) ADMINISTRATIVE EXPENSES.—The Administrator may use for administrative expenses not more than 5 percent of the amounts appropriated to carry out this section.”.

PURPOSE OF LEGISLATION

The purpose of H.R. 4275, as amended, is to amend the Federal Water Pollution Control Act, commonly known as the Clean Water Act, to reauthorize Federal appropriations for the Lake Pontchartrain Basin program; to require the comprehensive restoration plan for Lake Pontchartrain be reviewed and updated every five years; and to amend a technical definition.

BACKGROUND AND NEED FOR LEGISLATION

The Lake Pontchartrain Basin watershed encompasses sixteen Louisiana parishes (counties) and four Mississippi counties, covering a 10,000 square mile area. The Basin also includes Lake Borgne, Lake Maurepas, and receives flows from five rivers and two bayous. Approximately 2.1 million people live in the area of Lake Pontchartrain, the 630 square mile lake at the center of the basin, making it the most densely populated area in Louisiana.¹

The Basin is part of an essential wetland ecosystem, providing habitat, spawning grounds, and food sources to support numerous species of fish, birds, mammals, and plants. Its fisheries provide recreation as well as livelihoods, contributing over \$35 million to the local economy by providing much of the seafood harvested in the Gulf Coast.²

Lake Pontchartrain and its surrounding area face several challenges, most stemming from poor planning and overdevelopment. Logging in the upland areas has caused degradation, reduced plant growth, and increased saltwater intrusions, which subsequently have prevented new growth and contributed to a dead zone in the

¹ <https://saveourlake.org/about-us/our-basin/basin-issues>.

² *Id.*

southeastern end of the lake. The Basin also faces impacts from urban and agricultural runoff, sewage overflow, and nonpoint source pollution. The loss of wetlands to serve as natural filters for pollutants exacerbates these effects.

The Basin Restoration Program helps to address these environmental challenges and the region is already seeing some significant comebacks. Much of this success is due to a collaborative effort between Federal, state, and local entities who share an interest in a clean, healthy Lake and Basin. Continued funding of these efforts is essential to protecting and restoring the health of this ecosystem.

The Lake Pontchartrain Basin Restoration Program was initially authorized at \$20 million for each of FY2001–FY 2005. Since fiscal year 2015, this program has received \$900,000 in appropriations annually.

HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress the following hearing was used to develop or consider H.R. 4275, as amended:

On June 25, 2019, the Subcommittee on Water Resources and Environment held a hearing, titled, “Protecting and Restoring America’s Iconic Waters.” The Subcommittee received testimony from: Preston D. Cole, Secretary, Wisconsin Department of Natural Resources; Dave Pine, Supervisor, District 1, San Mateo County Board of Supervisors, Chair of the San Francisco Bay Restoration Authority Governing Board; Laura Blackmore, Executive Director, Puget Sound Partnership; William C. Baker, President, Chesapeake Bay Foundation; Kristi Trail, Executive Director, Lake Pontchartrain Basin Foundation; and Tom Ford, Director, Santa Monica Bay National Estuary Program, The Bay Foundation. Topics discussed included the importance of reauthorizing Federal appropriations for EPA’s Lake Pontchartrain Basin Restoration Program to restore and preserve the ecological health and water quality of the Lake Pontchartrain Basin.

LEGISLATIVE HISTORY AND CONSIDERATION

H.R. 4275 was introduced in the House on September 11, 2019, by Mr. Graves of Louisiana and Mr. Richmond and referred to the Committee on Transportation and Infrastructure. Within the Committee, H.R. 4275 was referred to the Subcommittee on Water Resources and Environment.

The Chair discharged the Subcommittee on Water Resources and Environment from further consideration of H.R. 4275 on September 19, 2019.

The Committee met in open session to consider H.R. 4275 on September 19, 2019, and ordered the measure to be reported to the House with a favorable recommendation, as amended, by voice vote, a quorum being present.

The following amendment was offered:

An amendment offered by Mr. Graves of Louisiana (#1); Page 1, after line 4: insert new subsections entitled “(a) Review of Comprehensive Management”; and “(b) Definitions.”

Page 1, line 5, strike “Section 121(f)” and insert a new subsection entitled “(c) Authorization of Appropriations.”; was AGREED TO by voice vote.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record 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.

No recorded votes were taken during consideration of H.R. 4275, as amended.

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.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(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 timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

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 enclosed cost estimate for H.R. 4275, as amended, from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 1, 2019.

Hon. PETER A. DEFazio,
*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. 4275, a bill to amend the Federal Water Pollution Control Act to reauthorize the Lake Pontchartrain Basin Restoration Program, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Stephen Rabent.

Sincerely,

MARK P. HADLEY
(For Phillip L. Swagel, Director).

Enclosure.

H.R. 4275, a bill to amend the Federal Water Pollution Control Act to reauthorize the Lake Pontchartrain Basin Restoration Program, and for other purposes			
As ordered reported by the House Committee on Transportation and Infrastructure on September 20, 2019			
By Fiscal Year, Millions of Dollars	2020	2020-2024	2020-2029
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	13	89	100
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

H.R. 4275 would authorize the appropriation of \$20 million annually over the 2020–2024 period for the Environmental Protection Agency’s (EPA’s) Lake Pontchartrain Basin Restoration Program. That program provides grants and technical assistance for projects that have been identified in a management plan approved under the EPA’s National Estuary Program to improve the ecological health of the basin. In 2019, EPA received appropriations totaling \$1 million to carry out the program. The bill also would require EPA to ensure the basin’s management plan is revised at least every five years, expand the geographic definition of the basin, and allow EPA to use up to 5 percent of the appropriated funds to administer the program.

Assuming appropriation of the specified amounts and based on spending patterns for similar programs, CBO estimates that implementing the bill would cost \$89 million over the 2020–2024 period and \$11 million after 2024. The costs of the legislation, detailed in Table 1, fall within budget function 300 (natural resources and environment).

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER H.R. 4275

	By fiscal year, millions of dollars—					
	2020	2021	2022	2023	2024	2020–2024
Authorization	20	20	20	20	20	100
Estimated Outlays	13	17	19	20	20	89

The CBO staff contact for this estimate is Stephen Rabent. The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal and objective of H.R. 4275, as amended, is to provide assistance to

the Lake Pontchartrain Basin in addressing environmental challenges through efforts to protect and restore the habitat and health of the ecosystem.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 4275, as amended, establishes or reauthorizes a program of the federal government known to be duplicative of another federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with clause 9 of rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the rule XXI.

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 finds that H.R. 4275, as amended, 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 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).

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Sec. 1. Lake Pontchartrain Basin Restoration Program reauthorization

This section, as amended, makes several changes to section 121 of the Clean Water Act.

First, subsection (a) amends subsections (c) and (d) of section 121 to require that the comprehensive conservation and management

plan for the Lake Pontchartrain Basin be reviewed and revised in accordance with section 320 of the Clean Water Act (National Estuaries Program authority) not less often than every five years.

Second, subsection (b) amends the definition of the term “Basin” (found in section 121(e)(1)) to address a technical issue related to the size the Lake Pontchartrain Basin.

Finally, subsection (c) amends the existing authorization of appropriations for the Lake Pontchartrain Basin Program (section 121(f)) to authorize \$20 million annually for fiscal years 2020 through 2024, and to allow the Administrator of EPA to use not more than 5 percent of appropriated funds for administrative expenses.

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, and existing law in which no change is proposed is shown in roman):

FEDERAL WATER POLLUTION CONTROL ACT

TITLE I—RESEARCH AND RELATED PROGRAMS

* * * * *

SEC. 121. LAKE PONTCHARTRAIN BASIN.

(a) **ESTABLISHMENT OF RESTORATION PROGRAM.**—The Administrator shall establish within the Environmental Protection Agency the Lake Pontchartrain Basin Restoration Program.

(b) **PURPOSE.**—The purpose of the program shall be to restore the ecological health of the Basin by developing and funding restoration projects and related scientific and public education projects.

(c) **DUTIES.**—In carrying out the program, the Administrator shall—

(1) provide administrative and technical assistance to a management conference convened for the Basin under section 320;

(2) assist and support the activities of the management conference, including the implementation of recommendations of the management conference;

(3) support environmental monitoring of the Basin and research to provide necessary technical and scientific information;

(4) develop a comprehensive research plan to address the technical needs of the program;

(5) coordinate the grant, research, and planning programs authorized under this section[; and];

(6) collect and make available to the public publications, and other forms of information the management conference determines to be appropriate, relating to the environmental quality of the Basin[.]; and

(7) *ensure that the comprehensive conservation and management plan approved for the Basin under section 320 is reviewed and revised in accordance with section 320 not less often than*

once every five years, beginning on the date of enactment of this paragraph.

(d) GRANTS.—The Administrator may make grants to pay not more than 75 percent of the costs—

(1) for restoration projects and studies [recommended by a management conference convened for the Basin under section 320] *identified in the comprehensive conservation and management plan approved for the Basin under section 320*; and

(2) for public education projects recommended by the management conference.

(e) DEFINITIONS.—In this section, the following definitions apply:

(1) BASIN.—The term “Basin” means the Lake Pontchartrain Basin[, a 5,000 square mile] watershed encompassing 16 parishes in the State of Louisiana and 4 counties in the State of Mississippi.

(2) PROGRAM.—The term “program” means the Lake Pontchartrain Basin Restoration Program established under subsection (a).

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years [2001 through 2012 and the amount appropriated for fiscal year 2009 for each of fiscal years 2013 through 2017] *2020 through 2024*. Such sums shall remain available until expended.

(2) PUBLIC EDUCATION PROJECTS.—Not more than 15 percent of the amount appropriated pursuant to paragraph (1) in a fiscal year may be expended on grants for public education projects under subsection (d)(2).

(3) ADMINISTRATIVE EXPENSES.—*The Administrator may use for administrative expenses not more than 5 percent of the amounts appropriated to carry out this section.*

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