

DELAWARE RIVER BASIN CONSERVATION
REAUTHORIZATION ACT OF 2024

DECEMBER 10, 2024.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. WESTERMAN, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 1395]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1395) to amend the Water Infrastructure Improvements for the Nation Act to reauthorize Delaware River Basin conservation programs, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Delaware River Basin Conservation Reauthorization Act of 2024”.

SEC. 2. DELAWARE RIVER BASIN CONSERVATION REAUTHORIZATION.

(a) **FINDINGS.**—Section 3501(2) of the Water Infrastructure Improvements for the Nation Act (Public Law 114–322; 130 Stat. 1771) is amended by inserting “Maryland,” after “Delaware,”.

(b) **DEFINITIONS OF BASIN AND BASIN STATE.**—Section 3502 of the Water Infrastructure Improvements for the Nation Act (Public Law 114–322; 130 Stat. 1773) is amended—

(1) in paragraph (1)—

(A) by striking “4-State” and inserting “5-State”; and

(B) by inserting “Maryland,” after “Delaware,”; and

(2) in paragraph (2), by inserting “Maryland,” after “Delaware,”.

(c) **PRIORITY AND LIMITATION.**—Section 3504 of the Water Infrastructure Improvements for the Nation Act (Public Law 114–322; 130 Stat. 1775) is amended by adding at the end the following:

“(d) **PRIORITY.**—In selecting a project to be funded under the grant program, the Secretary may give priority to a project that serves a small, rural, or disadvantaged community.

“(e) **LIMITATION.**—The Secretary may not provide a grant under the grant program to a Federal-State commission.”.

(d) SUNSET.—Section 3507 of the Water Infrastructure Improvements for the Nation Act (Public Law 114–322; 130 Stat. 1775) is amended by striking “2023” and inserting “2030”.

PURPOSE OF THE LEGISLATION

The purpose of H.R. 1395 is to amend the Water Infrastructure Improvements for the Nation Act to reauthorize Delaware River Basin conservation programs, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

In December 2016, the Delaware River Basin Restoration Act was signed into law as part of the Water Infrastructure Improvements for the Nation Act.¹ This legislation established the Delaware River Basin Restoration Program “to identify, prioritize, and implement restoration and protection activities within the Basin.”² The program serves as a nonregulatory organization that helps devise a strategy that advances “science-based restoration and protection activities.”³ These efforts are led by the U.S. Fish and Wildlife Service, with agencies like the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, the Department of Agriculture’s Natural Resources Conservation Service, the Governors of each of the Basin states, and other stakeholders.⁴

This legislation supports those conservation efforts through the Delaware River Basin Restoration Grant Program, which provides grants to nonprofits, higher education institutions, and state and local governments. Since 2018, these programs have helped fund 195 restoration projects across the Basin, totaling \$55.1 million.⁵ The projects have resulted in 76 miles of streams restored, 1,339 acres of wetlands conserved and enhanced, and 29,321 acres of forest under improved management.⁶

H.R. 1395, as amended, reauthorizes this program through fiscal year 2030, gives the Secretary of the Interior the authority to give priority to grants that serve small, disadvantaged, and rural communities, but prevents this program from awarding grants to a Federal-state commission.

COMMITTEE ACTION

H.R. 1395 was introduced on March 7, 2023, by Rep. Brian Fitzpatrick (R–PA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Water, Wildlife and Fisheries. The bill was also referred to the Committee on Transportation and Infrastructure. On March 21, 2024, the Subcommittee on Water, Wildlife and Fisheries held a hearing on the bill. On November 20, 2024, the Committee on Natural Resources met to consider the bill. The Subcommittee on Water, Wildlife and Fisheries was discharged from further consideration of H.R. 1395 by unanimous consent. Chairman Bruce Westerman (R–AR) offered an Amendment in the Nature of a Sub-

¹ P.L. 114–322, Water Infrastructure Improvements for the Nation Act. https://www.govinfo.gov/content/pkg/PLAW_114publ322/pdf/PLAW_114publ322.pdf.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ FY 2025 Budget Justification, U.S. Fish and Wildlife Service, March 11, 2024. Page 573. <https://www.doi.gov/media/document/fy-2025-fish-and-wildlife-service-greenbook>.

⁶ *Id.* at EX–10.

stitute designated Westerman ANS_107. The amendment in the nature of a substitute was agreed to by unanimous consent. The bill, as amended, was ordered favorably reported to the House of Representatives by unanimous consent.

HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the Subcommittee on Water, Wildlife and Fisheries held on March 21, 2024.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This act may be cited as the “Delaware River Basin Conservation Reauthorization Act of 2024”.

Section 2. Delaware River Basin Conservation Reauthorization

The legislation, as amended, reauthorizes the Delaware River Basin Restoration Program through fiscal year 2030. The legislation also adds the state of Maryland to the list of states in the Delaware River Basin. Allows the Secretary to “give priority to a project that serves a small, rural, or disadvantaged community,”⁷ but prevents the Secretary from providing grants to a Federal-state commission.⁸

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* Pursuant to clause 3(c)(2) of House rule XIII and section 308(a) of the Congressional Budget Act of 1974, and pursuant to clause 3(c)(3) of House rule XIII and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received from the Director of the Congressional Budget Office a budgetary analysis and a cost estimate of this bill.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to amend the Water Infrastructure Improvements for the Nation Act to reauthorize Delaware River Basin conservation programs, and for other purposes.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e),

⁷ Amendment in the Nature of a Substitute to H.R. 1395, Offered by Mr. Westerman of Arkansas. https://docs.house.gov/meetings/II/II00/20241120/117715/BILLS-118-HR1395-W000821-Amdt-ANS_107.pdf.

⁸ *Id.*

9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

UNFUNDED MANDATES REFORM ACT STATEMENT

An estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chair of the Committee shall cause such estimate to be printed in the Congressional Record upon its receipt by the Committee, if such estimate is not publicly available on the Congressional Budget Office website.

EXISTING PROGRAMS

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169) as relating to other programs.

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.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

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

WATER INFRASTRUCTURE IMPROVEMENTS FOR THE NATION ACT

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TITLE III—NATURAL RESOURCES

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Subtitle E—Delaware River Basin Conservation

SEC. 3501. FINDINGS.

Congress finds that—

(1) the Delaware River Basin is a national treasure of great cultural, environmental, ecological, and economic importance;

(2) the Basin contains over 12,500 square miles of land in the States of Delaware, *Maryland*, New Jersey, New York, and Pennsylvania, including nearly 800 square miles of bay and more than 2,000 tributary rivers and streams;

(3) the Basin is home to more than 8,000,000 people who depend on the Delaware River and the Delaware Bay as an economic engine, a place of recreation, and a vital habitat for fish and wildlife;

(4) the Basin provides clean drinking water to more than 15,000,000 people, including New York City, which relies on the Basin for approximately half of the drinking water supply of the city, and Philadelphia, whose most significant threat to the drinking water supply of the city is loss of forests and other natural cover in the Upper Basin, according to a study conducted by the Philadelphia Water Department;

(5) the Basin contributes \$25,000,000,000 annually in economic activity, provides \$21,000,000,000 in ecosystem goods and services per year, and is directly or indirectly responsible for 600,000 jobs with \$10,000,000,000 in annual wages;

(6) almost 180 species of fish and wildlife are considered special status species in the Basin due to habitat loss and degradation, particularly sturgeon, eastern oyster, horseshoe crabs, and red knots, which have been identified as unique species in need of habitat improvement;

(7) the Basin provides habitat for over 200 resident and migrant fish species, includes significant recreational fisheries, and is an important source of eastern oyster, blue crab, and the largest population of the American horseshoe crab;

(8) the annual dockside value of commercial eastern oyster fishery landings for the Delaware Estuary is nearly \$4,000,000, making it the fourth most lucrative fishery in the Delaware River Basin watershed, and proven management strategies are available to increase oyster habitat, abundance, and harvest;

(9) the Delaware Bay has the second largest concentration of shorebirds in North America and is designated as one of the 4 most important shorebird migration sites in the world;

(10) the Basin, 50 percent of which is forested, also has over 700,000 acres of wetland, more than 126,000 acres of which are recognized as internationally important, resulting in a landscape that provides essential ecosystem services, including recreation, commercial, and water quality benefits;

(11) much of the remaining exemplary natural landscape in the Basin is vulnerable to further degradation, as the Basin gains approximately 10 square miles of developed land annually, and with new development, urban watersheds are increasingly covered by impervious surfaces, amplifying the quantity of polluted runoff into rivers and streams;

(12) the Delaware River is the longest undammed river east of the Mississippi; a critical component of the National Wild and Scenic Rivers System in the Northeast, with more than 400 miles designated; home to one of the most heavily visited National Park units in the United States, the Delaware Water Gap National Recreation Area; and the location of 6 National Wildlife Refuges;

(13) the Delaware River supports an internationally renowned cold water fishery in more than 80 miles of its northern headwaters that attracts tens of thousands of visitors each year and generates over \$21,000,000 in annual revenue through tourism and recreational activities;

(14) management of water volume in the Basin is critical to flood mitigation and habitat for fish and wildlife, and following 3 major floods along the Delaware River since 2004, the Governors of the States of Delaware, New Jersey, New York, and Pennsylvania have called for natural flood damage reduction measures to combat the problem, including restoring the function of riparian corridors;

(15) the Delaware River Port Complex (including docking facilities in the States of Delaware, New Jersey, and Pennsylvania) is one of the largest freshwater ports in the world, the Port of Philadelphia handles the largest volume of international tonnage and 70 percent of the oil shipped to the East Coast, and the Port of Wilmington, a full-service deepwater port and marine terminal supporting more than 12,000 jobs, is the busiest terminal on the Delaware River, handling more than 400 vessels per year with an annual import/export cargo tonnage of more than 4,000,000 tons;

(16) the Delaware Estuary, where freshwater from the Delaware River mixes with saltwater from the Atlantic Ocean, is one of the largest and most complex of the 28 estuaries in the National Estuary Program, and the Partnership for the Delaware Estuary works to improve the environmental health of the Delaware Estuary;

(17) the Delaware River Basin Commission is a Federal-interstate compact government agency charged with overseeing a unified approach to managing the river system and implementing important water resources management projects and activities throughout the Basin that are in the national interest;

(18) restoration activities in the Basin are supported through several Federal and State agency programs, and funding for those important programs should continue and complement the establishment of the Delaware River Basin Restoration Program, which is intended to build on and help coordinate restoration and protection funding mechanisms at the Federal, State, regional, and local levels; and

(19) the existing and ongoing voluntary conservation efforts in the Delaware River Basin necessitate improved efficiency and cost effectiveness, as well as increased private-sector investments and coordination of Federal and non-Federal resources.

SEC. 3502. DEFINITIONS.

In this subtitle:

(1) **BASIN.**—The term “Basin” means the [4-State] 5-State Delaware Basin region, including all of Delaware Bay and portions of the States of Delaware, *Maryland*, New Jersey, New York, and Pennsylvania located in the Delaware River watershed.

(2) **BASIN STATE.**—The term “Basin State” means each of the States of Delaware, *Maryland*, New Jersey, New York, and Pennsylvania.

(3) **DIRECTOR.**—The term “Director” means the Director of the United States Fish and Wildlife Service.

(4) **GRANT PROGRAM.**—The term “grant program” means the voluntary Delaware River Basin Restoration Grant Program established under section 3504.

(5) **PROGRAM.**—The term “program” means the nonregulatory Delaware River Basin restoration program established under section 3503.

(6) **RESTORATION AND PROTECTION.**—The term “restoration and protection” means the conservation, stewardship, and enhancement of habitat for fish and wildlife to preserve and improve ecosystems and ecological processes on which they depend, and for use and enjoyment by the public.

(7) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Director.

(8) **SERVICE.**—The term “Service” means the United States Fish and Wildlife Service.

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SEC. 3504. GRANTS AND ASSISTANCE.

(a) **DELAWARE RIVER BASIN RESTORATION GRANT PROGRAM.**—To the extent that funds are available to carry out this section, the Secretary shall establish a voluntary grant and technical assistance program to be known as the “Delaware River Basin Restoration Grant Program” to provide competitive matching grants of varying amounts to State and local governments, nonprofit organizations, institutions of higher education, and other eligible entities to carry out activities described in section 3503(d).

(b) **CRITERIA.**—The Secretary, in consultation with the organizations described in section 3503(c), shall develop criteria for the grant program to help ensure that activities funded under this section accomplish one or more of the purposes identified in section 3503(d)(2) and advance the implementation of priority actions or needs identified in the Basinwide strategy adopted under section 3503(b)(2).

(c) **COST SHARING.**—

(1) **FEDERAL SHARE.**—The Federal share of the cost of a project funded under the grant program shall not exceed 50 percent of the total cost of the activity, as determined by the Secretary.

(2) **NON-FEDERAL SHARE.**—The non-Federal share of the cost of a project funded under the grant program may be provided in cash or in the form of an in-kind contribution of services or materials.

(d) **PRIORITY.**—*In selecting a project to be funded under the grant program, the Secretary may give priority to a project that serves a small, rural, or disadvantaged community.*

(e) LIMITATION.—The Secretary may not provide a grant under the grant program to a Federal-State commission.

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SEC. 3507. SUNSET.

This subtitle shall have no force or effect after September 30, **[2023]** 2030.

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COMMITTEE CORRESPONDENCE



Committee on Transportation and Infrastructure
U.S. House of Representatives
 Washington, DC 20515

Sam Graves
 Chairman

Jack Kaddy, Staff Director

Rick Larsen
 Ranking Member

Katherine W. Doherty, Democratic Staff Director

December 5, 2024

The Honorable Bruce Westerman
 Chairman
 Committee on Natural Resources
 1324 Longworth House Office Building
 Washington, D.C. 20515

Dear Chairman Westerman:

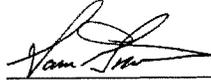
I am writing to you concerning H.R. 1395, the *Delaware River Basin Conservation Reauthorization Act of 2023*. The bill was referred primarily to the Committee on Natural Resources, with an additional referral to the Committee on Transportation and Infrastructure. Specifically, there are certain provisions of H.R. 1395 that fall within the Rule X jurisdiction of the Committee on Transportation and Infrastructure.

I recognize and appreciate your desire to bring this legislation before the House of Representatives in an expeditious manner, and accordingly, agree the Committee on Transportation and Infrastructure shall be discharged from further consideration of the bill. However, this is conditional on our mutual understanding that by foregoing consideration of H.R. 1395 at this time, we do not waive any jurisdiction over the subject matter contained in this or similar legislation that falls with the Committee on Transportation and Infrastructure's Rule X jurisdiction, and the Committee will be appropriately consulted and involved on this or similar legislation as it moves forward. Further, this does not prejudice the Committee on Transportation and Infrastructure with respect to the appointment of conferees and should a conference on the bill be necessary, I would appreciate your agreement to support my request to have the Committee represented on the conference committee.

Finally, I would ask that a copy of this letter and your response acknowledging our jurisdictional interest in the bill be included in the Committee Report and *Congressional Record* during consideration of H.R. 1395 on the House floor.

Chairman Westerman
December 5, 2024
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Sincerely,

A handwritten signature in black ink, appearing to read "Sam Graves", written over a horizontal line.

Sam Graves
Chairman
Committee on Transportation
and Infrastructure

cc The Honorable Mike Johnson, Speaker
The Honorable Rick Larsen, Ranking Member, Committee on Transportation and
Infrastructure
The Honorable Raúl Grijalva, Ranking Member, Committee on Natural Resources
The Honorable Jason Smith, Parliamentarian

BRUCE WESTERMAN OF ARKANSAS
CHAIRMAN

RAUL M. GRIJALVA OF ARIZONA
RANKING DEMOCRAT

VIVIAN MOEGLEIN
STAFF DIRECTOR

LORIE SNYDER
DEMOCRATIC STAFF DIRECTOR

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

December 5, 2024

The Honorable Sam Graves
Chairman
Committee on Transportation and Infrastructure
U.S. House of Representatives
2165 Rayburn House Office Building
Washington, D.C. 20515

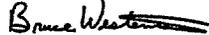
Dear Chairman Graves:

I write regarding H.R. 1395, the "Delaware River Basin Conservation Reauthorization Act of 2023," which was ordered reported by the Committee on Natural Resources on November 20, 2024.

I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Transportation and Infrastructure and appreciate your willingness to forgo further consideration of the bill. I acknowledge that the Committee on Transportation and Infrastructure will not formally consider H.R. 1395 and agree that the inaction of your Committee with respect to the bill does not waive any jurisdiction over the subject matter contained therein.

I am pleased to support your request to name members of the Committee on Transportation and Infrastructure to any conference committee to consider such provisions. I will ensure that our exchange of letters is included in the *Congressional Record* during floor consideration of the bill and will include such letters in the committee report on H.R. 1395. I appreciate your cooperation regarding this legislation.

Sincerely,



Bruce Westerman
Chairman
Committee on Natural Resources

cc: The Honorable Mike Johnson, Speaker
The Honorable Rick Larsen, Ranking Member, Committee on Transportation and Infrastructure
The Honorable Raúl Grijalva, Ranking Member, Committee on Natural Resources
The Honorable Jason Smith, Parliamentarian

