

EXTEND AUTHORIZATION OF APPROPRIATIONS FOR LAKE
PONTCHARTRAIN BASIN

SEPTEMBER 13, 2004.—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. 4470]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 4470) to amend the Federal Water Pollution Control Act to extend the authorization of appropriations for the Lake Pontchartrain Basin Restoration Program from fiscal year 2005 to 2010, 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. 4470 is to amend section 121 of the Federal Water Pollution Control Act (Clean Water Act) to extend the authorization of appropriations for the Lake Pontchartrain Basin Restoration Program within the Environmental Protection Agency (EPA).

BACKGROUND AND NEED FOR LEGISLATION

The Lake Pontchartrain Basin is a 5,000 square mile watershed encompassing 16 parishes in southeast Louisiana and four counties in Mississippi. Almost 1.5 million people live around Lake Pontchartrain, the 630 square mile lake at the center of the basin, making it the most densely populated area in Louisiana. The basin also includes Lake Borgne and Lake Maurepas. The three contiguous waterbodies comprise the largest estuary in the Gulf Coast region and one of the largest estuaries in the United States. The Basin supports numerous species of fish, birds, mammals, and plants.

Since the 1940s, increased population, urbanization, and land use changes have negatively affected the Basin, leading to mounting environmental problems and declining health of the watershed. Increasing population growth and development coupled with inadequate wastewater treatment, stormwater and agricultural runoff, saltwater intrusion, and land subsidence contributed to degraded water quality, shore erosion, and wetland losses. By the mid-1980s, most rivers, tributaries, and lakes in the watershed failed to meet applicable water quality standards under the Clean Water Act. Recently, progress has been made on improving the quality of the water in Lake Pontchartrain. In 2003, Lake Pontchartrain's south shore beach was reopened.

In 2000, in P.L. 106-457, the Estuaries and Clean Waters Act of 2000, Congress added section 121 to the Clean Water Act to establish a Lake Pontchartrain Basin Restoration Program within EPA. Section 121 authorizes \$20 million for each of fiscal years 2001 through 2005 for restoration projects and studies and public education projects relating to restoring the ecological health of the Basin.

SUMMARY OF THE LEGISLATION

H.R. 4470 amends section 121 of the Clean Water Act to extend the authorization of appropriations of \$20 million per year in support for the Lake Pontchartrain Basin Restoration Program through fiscal year 2010.

LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

The Water Resources and Environment Subcommittee held a hearing on H.R. 4470 and other pending legislation on July 8, 2004. Testimony was presented by Representative Vitter and a representative of the Lake Pontchartrain Basin Foundation.

The Water Resources and Environment Subcommittee met on July 15, 2004, to consider H.R. 4470 and other legislation. The Subcommittee reported the bill without amendment favorably to the Committee on Transportation and Infrastructure, by voice vote. The Committee on Transportation and Infrastructure met in open session on July 21, 2004, and ordered the bill 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. 4470 reported. A motion to order H.R. 4470 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 timely 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 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 the Lake Pontchartrain Basin ecosystem through the cooperative efforts of the Lake Pontchartrain Basin Restoration 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. 4470 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 27, 2004.

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. 4470, a bill to amend the Federal Water Pollution Control Act to extend the authorization of appropriations for the Lake Pontchartrain Basin Restoration Program from fiscal year 2005 to 2010.

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 Gregory Waring (for the state and local impact).

Sincerely,

ELIZABETH ROBINSON
(For Douglas Holtz-Eakin, Director).

Enclosure.

H.R. 4470—A bill to amend the Federal Water Pollution Control Act to extend the authorization of appropriations for the Lake Pontchartrain Basin Restoration Program from fiscal year 2005 to 2010

Summary: H.R. 4470 would extend the authorization of appropriations for the Environmental Protection Agency's (EPA's) Lake Pontchartrain Basin Restoration Program through 2010. Under current law, \$20 million is authorized to be appropriated each year through 2005, and enacting this legislation would maintain the same annual authorized funding level for subsequent years. Such

funding would be used to support efforts, such as public education projects and restoration projects, aimed at restoring the ecological health of the basin. CBO estimates that implementing H.R. 4470 would cost \$64 million over the next five years, assuming appropriation of the authorized amounts. (The additional amounts authorized would be spent after 2009.)

Enacting the bill would not affect direct spending or revenues. H.R. 4470 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: For this estimate, CBO assumes that the bill will be enacted this year and that the amounts authorized will be appropriated for each fiscal year, beginning with fiscal year 2006. Estimated outlays are based on historical spending patterns for similar and ongoing activities. The estimated budgetary impact of H.R. 4470 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and the environment).

	By fiscal year, in millions of dollars—					
	2004	2005	2006	2007	2008	2009
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law for the Lake Pontchartrain Basin						
Restoration Program:						
Authorization Level ¹	2	20	0	0	0	0
Estimated Outlays	1	9	9	3	0	0
Proposed Changes:						
Authorization Level	0	0	20	20	20	20
Estimated Outlays	0	0	8	17	19	20
Spending Under H.R. 4470 for the Lake Pontchartrain Basin						
Restoration Program:						
Authorization Level ¹	2	20	20	20	20	20
Estimated Outlays	1	9	17	20	19	20

¹ The 2004 level is the amount appropriated for that year to EPA to implement the Lake Pontchartrain Basin Program. The 2005 amount is the level authorized to be appropriated under current law for the program.

Intergovernmental and private-sector impact: H.R. 4470 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. Louisiana and Mississippi, and local governments in those states that participate in the Lake Pontchartrain Basin Restoration Program, would benefit from the bill's extension of grants, research, and restoration activities for the watershed area. The governments would incur costs voluntarily.

Estimate prepared by: Federal Costs: Susanne S. Mehlman; Impact on State, Local, and Tribal Governments: Gregory Waring; and Impact on the Private Sector: Amina Masood.

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 pursu-

ant 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. 4470 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 121 OF THE FEDERAL WATER POLLUTION CONTROL ACT

SEC. 121. LAKE PONTCHARTRAIN BASIN.

(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 [2005] 2010. Such sums shall remain available until expended.

* * * * *

