

MISSISSIPPI SOUND RESTORATION ACT OF 2000

SEPTEMBER 12, 2000.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 4104]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 4104) to amend the Federal Water Pollution Control Act to authorize funding to carry out certain water quality and barrier island restoration projects for the Mississippi Sound, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Mississippi Sound Restoration Act of 2000”.

SEC. 2. NATIONAL ESTUARY PROGRAM.

(a) **FINDING.**—Congress finds that the Mississippi Sound is an estuary of national significance.

(b) **ADDITION TO NATIONAL ESTUARY PROGRAM.**—Section 320(a)(2)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1330(a)(2)(B)) is amended by inserting “Mississippi Sound, Mississippi;” before “and Peconic Bay, New York.”.

SEC. 3. MISSISSIPPI SOUND.

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

“SEC. 121. MISSISSIPPI SOUND.

“(a) **ESTABLISHMENT OF RESTORATION PROGRAM.**—The Administrator shall establish within the Environmental Protection Agency the Mississippi Sound Restoration Program.

“(b) **PURPOSE.**—The purpose of the program shall be to restore the ecological health of the Sound, including barrier islands, coastal wetlands, keys, and reefs, by developing and funding restoration projects and related scientific and public education projects and by coordinating efforts among Federal, State, and local governmental agencies and nonregulatory organizations.

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

“(1) provide administrative and technical assistance to a management conference convened for the Sound 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 Sound 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 Sound.

“(d) GRANTS.—The Administrator may make grants—

“(1) for restoration projects and studies recommended by a management conference convened for the Sound under section 320; and

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

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

“(1) SOUND.—The term ‘Sound’ means the Mississippi Sound located on the Gulf Coast of the State of Mississippi.

“(2) PROGRAM.—The term ‘program’ means the Mississippi Sound Restoration Program established under subsection (a).

“(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$10,000,000 to carry out this section. Such sums shall remain available until expended.”.

SEC. 4. SENSE OF THE CONGRESS.

It is the sense of the Congress that all recipients of grants under this Act (including amendments made by this Act) shall abide by the Buy American Act. The Administrator of the Environmental Protection Agency shall give notice of the Buy American Act requirements to grant applicants under this Act.

Amend the title so as to read:

A bill to amend the Federal Water Pollution Control Act to authorize funding to carry out certain water quality and environmental restoration projects for the Mississippi Sound, Mississippi, and for other purposes.

PURPOSE AND SUMMARY

The purpose of H.R. 4104, the Mississippi Sound Restoration Act of 2000, is to amend the Federal Water Pollution Control Act (Clean Water Act) to require the Administrator of the Environmental Protection Agency (EPA) to establish a Mississippi Sound Restoration Program within EPA and to carry out water quality and environmental restoration projects for the Sound.

BACKGROUND AND NEED FOR LEGISLATION

The Mississippi Sound encompasses approximately 2,400 square miles in the Mississippi Gulf Coast area. The Sound provides a diverse environment and varied habitats in which numerous fish, bird, mammal and plant species thrive, and supports successful seafood and other water-dependent industries, as well as extensive recreational opportunities, all of which are important to the region’s economy and quality of life.

However, increasing population growth and rapid economic development pose serious threats to the Sound’s continued ability to support its many uses. Many communities have inadequate or non-existent sewer systems, or septic systems that operate improperly, leading to untreated or partially treated sewage entering the Sound. The barrier island system in the Sound is also at risk, and it provides important habitat and protects the coast from shore erosion. The Sound’s health is threatened, as evidenced by the numer-

ous oyster bank and beach closings occurring from these and other factors.

There is a need for additional resources and improved coordination among federal, state, and local government and non-governmental organizations in order to restore and protect the Sound.

DISCUSSION OF COMMITTEE BILL AND SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section provides that the Act may be cited as the “Mississippi Sound Restoration Act of 2000.”

Section 2. National Estuary Program

This section includes a Congressional finding that the Mississippi Sound is an estuary of national significance. It also amends section 320(a)(2)(B) of the Clean Water Act to add the Mississippi Sound to the list of estuaries to receive priority consideration for inclusion in the National Estuary Program (NEP).

Section 3. Mississippi Sound

This section adds a new section 121 to title I of the Clean Water Act. The new section 121 authorizes EPA to establish a Mississippi Sound Restoration Program within EPA. The purpose of the new program will be to restore the ecological health of the Sound by developing and funding restoration projects and related scientific and public education projects, and by coordinating federal, state, and local governmental and non-governmental agency efforts.

EPA’s duties in carrying out the new program include: providing administrative and technical assistance to a management conference for the Mississippi Sound convened under the NEP (section 320 of the Clean Water Act); assisting and supporting the activities of the management conference, including implementation of the conference’s recommendations; supporting environmental monitoring of the Sound and research to provide necessary technical and scientific information; developing a comprehensive research plan to address the program’s technical needs; coordinating the grant, research, and planning programs authorized under this section; and collecting and making available to the public publications and other forms of information the management conference determines to be appropriate, relating to the environmental quality of the Sound.

The EPA Administrator is authorized to make grants for restoration projects and studies and for public education projects recommended by a management conference convened under section 320. This section authorizes ten million dollars for such grants to remain available until expended.

In carrying out the Mississippi Sound Program, the Committee intends EPA to convene a management conference for the Sound under section 320 that includes the Governor of the State of Mississippi, one representative from each of Hancock County, Harrison County, and Jackson County, designated by the board of supervisors of the County, the Director or a designee of the Gulf Coast Research Lab located in Ocean Springs, Mississippi, and the Direc-

tor or a designee of the Mississippi Department of Marine Resources.

The Committee intends that this management conference be subject to all appropriate open meeting and ethics laws and regulations. In addition, the Committee understands that this legislation focuses on restoration projects and the use of existing authorities. It does not create new additional regulatory authority.

Section 4. Sense of Congress

This section includes a Sense of Congress that all grant recipients under this Act shall abide by the Buy American Act, and the EPA Administrator shall give notice of this requirement to all grant applicants.

HEARINGS

No hearings were held to specifically address H.R. 4104. However, the Water Resources and Environment Subcommittee held several hearings this Congress on ocean and coastal water quality issues, including one on February 29, 2000 at which testimony was heard from Representatives and stakeholders from the Gulf Coast region on water quality issues similar to those faced by the Mississippi Sound.

COMMITTEE CONSIDERATION

On July 26, 2000, the Committee on Transportation and Infrastructure met in open session, discharged H.R. 4104 from the Subcommittee on Water Resources and Environment, and ordered the bill reported, as amended, to the House by voice vote.

The Committee adopted an amendment in the nature of a substitute that made technical changes; amended section 320 of the Clean Water Act to include the Mississippi Sound for priority consideration as part of the NEP; established a Mississippi Sound Restoration Program; authorized \$10 million for EPA assistance in carrying out the Mississippi Sound program and activities recommended by a management conference convened under section 320; and, included a Sense of Congress regarding compliance with the Buy American Act.

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. 4104 reported.

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 Committee has received no report of oversight findings and recommendations from the Committee on Government Reform on the subject of H.R. 4104.

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. 4104 from the Director of the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 2, 2000.

Hon. BUD SHUSTER,
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. 4104, the Mississippi Sound Restoration Act of 2000.

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 Victoria Heid Hall (for the state and local impact).

Sincerely,

STEVEN LIEBERMAN
(For Dan L. Crippen, Director).

Enclosure.

H.R. 4104—Mississippi Sound Restoration Act of 2000

Summary: H.R. 4104 would authorize a one-time appropriation of \$10 million for the Environmental Protection Agency (EPA) to establish a Mississippi Sound Restoration Program. This new program would coordinate federal, state, and local efforts to restore the sound. CBO estimates that implementing this legislation would cost \$10 million over the next five years, assuming appropriation of the authorized amount.

The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. H.R. 4104 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 authorized amount will be appropriated over the 2001–2004 period and that outlays will occur at rates similar to those for other EPA activities associated with water restoration projects. The estimated budgetary impact of H.R. 4104 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—				
	2001	2002	2003	2004	2005
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level	2	3	3	2	0
Estimated Outlays	1	2	3	3	1

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: H.R. 4104 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. Implementing the bill would benefit Mississippi if the Congress appropriates funds for restoration projects and related scientific and public education projects. Any costs to the state or local governments would be incurred voluntarily.

Estimate prepared by: Federal Costs: Susanne S. Mehlman. Impact on State, Local, and Tribal Governments: Victoria Heid Hall. Impact on the Private Sector: Lauren Marks.

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.)

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):

FEDERAL WATER POLLUTION CONTROL ACT

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TITLE I—RESEARCH AND RELATED PROGRAMS

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SEC. 121. MISSISSIPPI SOUND.

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

(b) *PURPOSE.*—*The purpose of the program shall be to restore the ecological health of the Sound, including barrier islands, coastal wetlands, keys, and reefs, by developing and funding restoration projects and related scientific and public education projects and by coordinating efforts among Federal, State, and local governmental agencies and nonregulatory organizations.*

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

(1) *provide administrative and technical assistance to a management conference convened for the Sound 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 Sound 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 Sound.*

(d) *GRANTS.*—*The Administrator may make grants—*

(1) *for restoration projects and studies recommended by a management conference convened for the Sound under section 320; and*

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

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

(1) *SOUND.*—*The term “Sound” means the Mississippi Sound located on the Gulf Coast of the State of Mississippi.*

(2) *PROGRAM.*—*The term “program” means the Mississippi Sound Restoration Program established under subsection (a).*

(f) AUTHORIZATION OF APPROPRIATIONS.—*There is authorized to be appropriated \$10,000,000 to carry out this section. Such sums shall remain available until expended.*

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TITLE III—STANDARDS AND ENFORCEMENT

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SEC. 320. NATIONAL ESTUARY PROGRAM.

(a) MANAGEMENT CONFERENCE.—

(1) * * *

(2) CONVENING OF CONFERENCE.—

(A) * * *

(B) PRIORITY CONSIDERATION.—The Administrator shall give priority consideration under this section to Long Island Sound, New York and Connecticut; Narragansett Bay, Rhode Island; Buzzards Bay, Massachusetts; Massachusetts Bay, Massachusetts (including Cape Cod Bay and Boston Harbor); Puget Sound, Washington; New York-New Jersey Harbor, New York and New Jersey; Delaware Bay, Delaware and New Jersey; Delaware Inland Bays, Delaware; Albermarle Sound, North Carolina; Sarasota Bay, Florida; San Francisco Bay, California; Santa Monica Bay, California; Galveston Bay, Texas; Barataria-Terrebonne Bay estuary complex, Louisiana; Indian River Lagoon, Florida; *Mississippi Sound, Mississippi*; and Peconic Bay, New York.

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