

LONG ISLAND SOUND RESTORATION AND STEWARDSHIP
REAUTHORIZATION ACT OF 2023

JUNE 27, 2024.—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. 5441]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 5441) to reauthorize Long Island Sound programs, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE LEGISLATION

The purpose of H.R. 5441 is to reauthorize Long Island Sound programs, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 5441 reauthorizes the Environmental Protection Agency's (EPA) Long Island Sound Study (LISS) and its associated grant programs, which collectively make up the Long Island Sound Program. In 1985, the LISS was created to bring together state and federal officials along with the states of Connecticut and New York to undertake efforts to restore and protect Long Island Sound. Later, in 1987, the Long Island Sound was added to the EPA's National Estuary Program (NEP). The Long Island Sound Program establishes working groups to share information and best practices, and provides grants to protect and restore the Long Island Sound. These efforts are critical to protecting a resource that generates \$9.4 billion annually. Additionally, more than 9 million people live in the Long Island Sound watershed, which extends to the border with Canada. Reauthorizing this program will allow for these vital efforts to continue to protect a critical resource in the northeast.

COMMITTEE ACTION

H.R. 5441 was introduced on September 13, 2023, by Rep. Nick LaLota (R-NY). 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 January 18, 2024, the Subcommittee on Water, Wildlife and Fisheries held a hearing on the bill. On June 12, 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. 5441 by unanimous consent. The bill 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 January 18, 2024.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This Act may be titled the “Long Island Sound Restoration and Stewardship Reauthorization Act of 2023.”

Section 2. Reauthorization of Long Island Sound Programs

Reauthorizes the Long Island Sound Program and its associated grant programs through FY 2028. It also includes a technical amendment to Section 119(g) of the Federal Water Pollution Control Act (33 U.S.C. 1269(g)).

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.* With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

H.R. 5441, Long Island Sound Restoration and Stewardship Reauthorization Act of 2023			
As ordered reported by the House Committee on Natural Resources on June 12, 2024			
By Fiscal Year, Millions of Dollars	2024	2024-2029	2024-2034
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	272	285
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2035?	No	Statutory pay-as-you-go procedures apply?	No
Mandate Effects			
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2035?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

H.R. 5441 would authorize the appropriation of \$65 million annually for fiscal years 2024–2028 for the Environmental Protection Agency (EPA) to carry out programs to restore and protect the environmental health of the Long Island Sound located south of Connecticut and north of Long Island.

The bill would authorize the appropriation of \$40 million annually for EPA to implement the Long Island Sound Conservation and Management Plan; eligible activities would include grants for research, restoration projects, public engagement and education programs, and reporting to the Congress every two years. In 2024, EPA allocated \$40 million for those activities; therefore, CBO estimates the bill would authorize no additional amounts for those purposes in 2024.

Additionally, the bill would authorize the appropriation of \$25 million annually for EPA to provide stewardship grants to state and local governments, nonprofit organizations, and private landowners to procure and enhance ecologically important sites within the Long Island Sound watershed. In 2024, EPA allocated no funds for those activities.

CBO assumes that the bill will be enacted before the end of the fiscal year and that the authorized amounts will be provided for each year. Based on historical spending patterns for the programs, CBO estimates that implementing H.R. 5441 would cost \$272 million over the 2024–2029 period and \$13 million after 2029.

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. 5441

	By fiscal year, millions of dollars—						
	2024	2025	2026	2027	2028	2029	2024–2029
Conservation and Management Plan: ^a							
Authorization	0	40	40	40	40	0	160
Estimated Outlays	0	26	34	38	40	14	152

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER H.R. 5441—Continued

	By fiscal year, millions of dollars—						
	2024	2025	2026	2027	2028	2029	2024–2029
Stewardship Grants:							
Authorization	25	25	25	25	25	0	125
Estimated Outlays	*	34	26	26	25	9	120
Total Changes:							
Estimated Authorization	25	65	65	65	65	0	285
Estimated Outlays	*	60	60	64	65	23	272

* = between zero and \$500,000.

^a In 2024, the Environmental Protection Agency allocated \$40 million to implement the Long Island Sound Conservation and Management Plan from funds provided in the Consolidated Appropriations Act, 2024 (Public Law 118–42). For that reason, CBO does not show an authorization for 2024.

The CBO staff contact for this estimate is Aurora Swanson. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

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 reauthorize Long Island Sound 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), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

UNFUNDED MANDATES REFORM ACT STATEMENT

According to the Congressional Budget Office, H.R. 5441 contains no unfunded mandates as defined by the Unfunded Mandates Reform Act.

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):

FEDERAL WATER POLLUTION CONTROL ACT**TITLE I—RESEARCH AND RELATED PROGRAMS**

* * * * *

SEC. 119. LONG ISLAND SOUND.— (a) The Administrator shall continue the Management Conference of the Long Island Sound Study (hereinafter referred to as the “Conference”) as established pursuant to section 320 of this Act, and shall establish an office (hereinafter referred to as the “Office”) to be located on or near Long Island Sound.

(b) ADMINISTRATION AND STAFFING OF OFFICE.—The Office shall be headed by a Director, who shall be detailed by the Administrator, following consultation with the Administrators of EPA regions I and II, from among the employees of the Agency who are in civil service. The Administrator shall delegate to the Director such authority and detail such additional staff as may be necessary to carry out the duties of the Director under this section.

(c) DUTIES OF THE OFFICE.—The Office shall assist the conference study in carrying out its goals. Specifically, the Office shall—

(1) assist and support the implementation of the Comprehensive Conservation and Management Plan for Long Island Sound developed pursuant to section 320 of this Act, including efforts to establish, within the process for granting watershed general permits, a system for promoting innovative methodologies and technologies that are cost-effective and consistent with the goals of the Plan;

(2) conduct or commission studies deemed necessary for strengthened implementation of the Comprehensive Conservation and Management Plan including, but not limited to—

(A) population growth and the adequacy of wastewater treatment facilities;

(B) the use of biological methods for nutrient removal in sewage treatment plants;

(C) contaminated sediments, and dredging activities;

(D) nonpoint source pollution abatement and land use activities in the Long Island Sound watershed;

(E) wetland protection and restoration;

(F) atmospheric deposition of acidic and other pollutants into Long Island Sound;

(G) water quality requirements to sustain fish, shellfish, and wildlife populations, and the use of indicator species to assess environmental quality;

(H) State water quality programs, for their adequacy pursuant to implementation of the Comprehensive Conservation and Management Plan;

(I) options for long-term financing of wastewater treatment projects and water pollution control programs;

(J) environmental vulnerabilities of the Long Island Sound watershed, including—

(i) the identification and assessment of such vulnerabilities in the watershed;

(ii) the development and implementation of adaptation strategies to reduce such vulnerabilities; and

(iii) the identification and assessment of the effects of sea level rise on water quality, habitat, and infrastructure; and

(3) coordinate the grant, research and planning programs authorized under this section;

(4) develop and implement strategies to increase public education and awareness with respect to the ecological health and water quality conditions of Long Island Sound;

(5) provide administrative and technical support to the conference study;

(6) collect and make available to the public (including on a publicly accessible website) publications, and other forms of information the conference study determines to be appropriate, relating to the environmental quality of Long Island Sound;

(7) monitor the progress made toward meeting the identified goals, actions, and schedules of the Comprehensive Conservation and Management Plan, including through the implementation and support of a monitoring system for the ecological health and water quality conditions of Long Island Sound; and

(8) convene conferences and meetings for legislators from State governments and political subdivisions thereof for the purpose of making recommendations for coordinating legislative efforts to facilitate the environmental restoration of Long Island Sound and the implementation of the Comprehensive Conservation and Management Plan.

(d) GRANTS.—(1) The Administrator is authorized to make grants for projects and studies which will help implement the Long Island Sound Comprehensive Conservation and Management Plan. Special emphasis shall be given to implementation, research and planning, enforcement, and citizen involvement and education.

(2) State, interstate, and regional water pollution control agencies, and other public or nonprofit private agencies, institutions, and organizations held to be eligible for grants pursuant to this subsection.

(3) Citizen involvement and citizen education grants under this subsection shall not exceed 95 per centum of the costs of such work. All other grants under this subsection shall not exceed 60 percent of the research, studies, or work. All grants shall be made on the condition that the non-Federal share of such costs are provided from non-Federal sources.

(e) ASSISTANCE TO DISTRESSED COMMUNITIES.—

(1) **ELIGIBLE COMMUNITIES.**—For the purposes of this subsection, a distressed community is any community that meets affordability criteria established by the State in which the community is located, if such criteria are developed after public review and comment.

(2) **PRIORITY.**—In making assistance available under this section for the upgrading of wastewater treatment facilities, the Administrator may give priority to a distressed community.

(f) **REPORT.**—

(1) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, and biennially thereafter, the Director of the Office, in consultation with the Governor of each Long Island Sound State, shall submit to Congress a report that—

(A) summarizes and assesses the progress made by the Office and the Long Island Sound States in implementing the Long Island Sound Comprehensive Conservation and Management Plan, including an assessment of the progress made toward meeting the performance goals and milestones contained in the Plan;

(B) assesses the key ecological attributes that reflect the health of the ecosystem of the Long Island Sound watershed;

(C) describes any substantive modifications to the Long Island Sound Comprehensive Conservation and Management Plan made during the 2-year period preceding the date of submission of the report;

(D) provides specific recommendations to improve progress in restoring and protecting the Long Island Sound watershed, including, as appropriate, proposed modifications to the Long Island Sound Comprehensive Conservation and Management Plan;

(E) identifies priority actions for implementation of the Long Island Sound Comprehensive Conservation and Management Plan for the 2-year period following the date of submission of the report; and

(F) describes the means by which Federal funding and actions will be coordinated with the actions of the Long Island Sound States and other entities.

(2) **PUBLIC AVAILABILITY.**—The Administrator shall make the report described in paragraph (1) available to the public, including on a publicly accessible website.

(g) **FEDERAL ENTITIES.**—

(1) **COORDINATION.**—The Administrator shall coordinate the actions of all Federal departments and agencies that affect water quality in the Long Island Sound watershed in order to improve the water quality and living resources of the watershed.

(2) **METHODS.**—In carrying out this section, the Administrator, acting through the Director of the Office, may—

(A) enter into interagency agreements; and

(B) make intergovernmental personnel appointments.

[(4)] (3) CONSISTENCY WITH COMPREHENSIVE CONSERVATION AND MANAGEMENT PLAN.—To the maximum extent practicable, the head of each Federal department or agency that owns or occupies real property, or carries out activities, within the

Long Island Sound watershed shall ensure that the property and all activities carried out by the department or agency are consistent with the Long Island Sound Comprehensive Conservation and Management Plan (including any related subsequent agreements and plans).

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this section \$40,000,000 for each of fiscal years **2019 through 2023** *2024 through 2028*.

* * * * *

LONG ISLAND SOUND STEWARDSHIP ACT OF 2006

* * * * *

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the Administrator \$25,000,000 for each of fiscal years **2019 through 2023** *2024 through 2028* to carry out this Act, including for—

- (1) acquisition of land and interests in land;
- (2) development and implementation of site management plans;
- (3) site enhancements to reduce threats or promote stewardship; and
- (4) administrative expenses of the Advisory Committee and the Administrator.

(b) USE OF FUNDS.—Amounts made available to the Administrator under this section each fiscal year shall be used by the Administrator after reviewing the recommendations included in the annual reports of the Advisory Committee under section 9.

(c) AUTHORIZATION OF GIFTS, DEVISES, AND BEQUESTS FOR SYSTEM.—In furtherance of the purpose of this Act, the Administrator may accept and use any gift, devise, or bequest of real or personal property, proceeds therefrom, or interests therein, to carry out this Act. Such acceptance may be subject to the terms of any restrictive or affirmative covenant, or condition of servitude, if such terms are considered by the Administrator to be in accordance with law and compatible with the purpose for which acceptance is sought.

(d) LIMITATION ON ADMINISTRATIVE COSTS.—Of the amount available each fiscal year to carry out this Act, not more than 8 percent may be used for administrative costs.

BRUCE WESTERMAN OF ARKANSAS
CHAIRMAN

COMMITTEE CORRESPONDENCE

RAUL M. GRIJALVA OF ARIZONA
RANKING DEMOCRAT

VIVIAN MORGLEN
STAFF DIRECTOR

U.S. House of Representatives

LORA SNYDER
DEMOCRATIC STAFF DIRECTOR

Committee on Natural Resources

Washington, DC 20515

June 21, 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. 5441, the "Long Island Sound Restoration and Stewardship Reauthorization Act of 2023." The bill was referred primarily to the Committee on Transportation and Infrastructure, and additionally to the Committee on Natural Resources, and was ordered reported by the Committee on Natural Resources on June 12, 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 any further consideration of the bill. I acknowledge that the Committee on Transportation and Infrastructure will not formally consider H.R. 5441 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. 5441. 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



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

Sam Graves
Chairman

Jack Ruddy, Staff Director

Rick Larsen
Ranking Member

Katherine W. Dedrick, Democratic Staff Director

June 21, 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. 5441, the *Long Island Sound Restoration and Stewardship Reauthorization Act of 2023*. The bill was referred primarily to the Committee on Transportation and Infrastructure, with an additional referral to the Committee on Natural Resources. Specifically, there are certain provisions of H.R. 5441 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. 5441 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. 5441 on the House floor.

Chairman Westerman
June 21, 2024
Page 2 of 2

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