

This bill is a result of hard work by several organizations who believe that Americans deserve clean, safe waters. Without their many insights this legislation would not have been possible. Therefore, I would like to thank American Rivers, the National Association of Clean Water Agencies, the Water Environment Federation, and the California Association of Sanitation Agencies for the countless hours they have given to refine the bill's language to ensure that public health and the environment are protected.

Madam Speaker, I encourage my colleagues to vote in favor of this commonsense legislation, and I again thank my friend and colleague, Mr. LOBIONDO, for his leadership and support in authoring the bill.

Mr. LOBIONDO. Madam Speaker, I rise in strong support of H.R. 2452, the Sewage Overflow Right-to-Know Act.

Last year, nearly 250,000 gallons of partially treated sewage leaked from the Asbury Park, New Jersey, sewer treatment plant into the Atlantic Ocean threatening beach goers for miles down the shore. It was the result of a broken pipe that went undetected for over 6 hours. Fortunately, no one got sick and the environment did not suffer any long term consequences. But that is not always the case.

The EPA estimates approximately 900 billion gallons of untreated sewage enter our waterways each year, sickening nearly 3.5 million people annually.

That is why I was pleased to join with Representative BISHOP to introduce H.R. 2452, the Sewage Overflow Community Right-to-Know Act. This commonsense legislation will help keep the public safe from waterborne illness by requiring sewer operators to put in place monitoring systems to detect overflows and to promptly notify the public in the event of an overflow. While some States and localities have strong notification programs in place already, the majority do not. Establishing a minimum standard for public notification is the right thing to do.

H.R. 2452 makes sewer operators eligible for existing grant funds and loans to help defer the cost of implementing monitoring and notification programs, and it provides flexibility to States that already have these critical programs in place.

I want to thank the National Association of Clean Water Agencies and American Rivers for working with Chairman OBERSTAR and Ranking Member MICA to make improvements to this legislation. The bill before us today represents a good compromise between all interested parties.

I want to thank Chairman OBERSTAR, Ranking Member MICA, Chairwoman JOHNSON, and Ranking Member BOOZMAN for their assistance and support. I also want to thank Jon Pawlow on Mr. MICA's Staff, Ryan Seiger on Mr. OBERSTAR's staff, and Mark Copeland on Mr. BISHOP's staff for their tremendous effort. I urge all members to support this commonsense measure.

Mrs. TAUSCHER. Madam Speaker, I raise in support of H.R. 2452, the Raw Sewage Overflow Community Right-to-Know Act. Sewer overflows present serious threats to the environment and to human health. Our crumbling wastewater infrastructure has resulted in an increasing number of sewage spills, most commonly through combined sewer overflows and sanitary sewer overflows.

As this Congress works to reauthorize the Clean Water State Revolving Fund and im-

prove our wastewater infrastructure, it is essential that our constituents receive prompt notification when a spill occurs. H.R. 2452 provides a national Standard for such notification and permits the use of Clean Water State Revolving funds for publically-owned treatment works to monitor their infrastructure for spills.

In California, we have an existing notification process that is the most aggressive in the Nation. I applaud Chairman OBERSTAR and his staff for recognizing the existence of State notification programs and ensuring that duplication of State and Federal standards does not overburden local sanitation officials. In this bill, States like California may operate their own notification program if the EPA certifies that it is substantially equivalent to the Federal program.

I would like to include a letter from the California Association of Sanitation Agencies that expresses full support for H.R. 2452. I commend Mr. BISHOP and Mr. OBERSTAR for their hard work on this legislation, and urge my colleagues to support the Raw Sewage Overflow Community Right-to-Know Act.

CALIFORNIA ASSOCIATION OF  
SANITATION AGENCIES,  
Sacramento, CA, June 23, 2008.

Hon. JAMES L. OBERSTAR,  
Chairman, Committee on Transportation and  
Infrastructure, U.S. House of Representa-  
tives, Washington, DC.

Hon. JOHN MICA,  
Ranking Republican, Committee on Transpor-  
tation and Infrastructure, U.S. House of  
Representatives, Washington, DC.

DEAR CHAIRMAN OBERSTAR AND RANKING MEMBER MICA: On behalf of the California Association of Sanitation Agencies (CASA), I write in support of H.R. 2452, which would address the important issue of reporting and notification for sewer overflows. This legislation represents the culmination of a collaborative approach involving wastewater treatment operators and the environmental community. We appreciate the committee's willingness to address CASA's concerns.

CASA understands that the legislation has been amended to address one of our major concerns, which relates to longstanding California requirements for notification of regulatory authorities and the public in the event of a sewer spill that threatens public health or the environment. Specifically, the amendment provides a delegation process so that existing state notification programs designed to inform the public of health threats emanating from sewer overflows will not be supplanted, provided EPA determines that the programs are substantially equivalent to the federal program. This is vital to avoid inefficient and potentially confusing duplication of effort. Further, this amendment will allow POTWs to target their limited resources to fulfilling their responsibilities as first responders when spills occur. Second, we understand that the committee report clarifies that satellite collection systems are not subject to the provisions of the bill. This is important because many regional POTWs do not manage these upstream systems, and have no authority for spills that occur from facilities outside their jurisdiction.

There is one provision in the amended bill that has given rise to a new concern. This new provision is designed to ensure that the notification provisions of the bill will be implemented in a timely matter. However, as written, there is no mechanism for informing permittees of their new, fully enforceable obligations, which appears to be at odds with basic due process rights. We hope that as Congress considers the bill that this matter can be further reviewed and addressed prior to final passage.

Again, we appreciate the opportunity to work with the committee on this important legislation.

Sincerely,

KAMIL AZOURY,  
President.

Mrs. DRAKE. Madam Speaker, I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I have no further requests for time, and I ask for support of this bill.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and pass the bill, H.R. 2452, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend the Federal Water Pollution Control Act to ensure that publicly owned treatment works monitor for and report sewer overflows, and for other purposes."

A motion to reconsider was laid on the table.

#### PROVIDING REIMBURSEMENT FOR EXPENSES INCURRED BY MEMBERS OF COMMITTEE ON LEVEE SAFETY

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6040) to amend the Water Resources Development Act of 2007 to clarify the authority of the Secretary of the Army to provide reimbursement for travel expenses incurred by members of the Committee on Levee Safety.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6040

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. COMMITTEE ON LEVEE SAFETY.

Section 9003(f) of the Water Resources Development Act of 2007 (33 U.S.C. 3302(f)) is amended by striking "To the extent amounts are made available in advance in appropriations Acts," and inserting "Subject to the availability of appropriations,".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentlewoman from Virginia (Mrs. DRAKE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous materials on H.R. 6040.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 6040, introduced by the ranking member of the Transportation and Infrastructure Committee, Mr. MICA, and the ranking member of the Subcommittee on Water Resources Environment, Mr. BOOZMAN, makes a technical change to title IX of the Water Resources Development Act of 2007.

Title IX of the Water Resources Development Act of 2007 establishes the framework for the creation of the National Levee Safety Program to enhance the safety of levees and those living in levee-protected areas.

In the 3 years since hurricanes Katrina and Rita, the Nation has refocused its attention to the safety and reliability of flood-control structures and how lives and livelihoods can be affected by their failure.

It is especially evident that to our colleagues from the States of Iowa, Missouri, and Illinois, who have been experiencing the challenges of flooding from the Mississippi River and its tributary system over the past few weeks. The Subcommittee on Water Resources and Environment has held numerous hearings on the condition of the Nation's levees and other flood-control structures.

Throughout these hearings, one consistent theme was readily apparent, the condition of the Nation's flood control infrastructure is, at best, unknown, and in a few notable instances, is in desperate need for repair and upgrading. The subcommittee received testimony from noted experts in flood control infrastructure that of the thousands of miles of Federal, State, local, and privately owned levees, in this country little is known about the current condition, including whether levees were designed to meet current conditions or whether they have been properly maintained by the non-Federal interests.

□ 1645

Although rare, failure of flood control structures, such as levees, does occur, and has become more frequent in recent years, and actually, in the last recent weeks.

Levees are typically built in a certain location and to a specified height to provide a certain level of protection. However, the level of protection provided by a levee may change with time, due to natural or manmade changes. Natural changes may include land subsidence, sedimentation, vegetative growth in the floodway, or the potential implications of climate change.

Land use changes in an area such as upstream development, and the loss of natural upstream storage capacity, can induce hydrologic changes, including faster runoff that will reduce the level of protection provided by a levee.

Given the important flood damage reduction and development opportunities provided by levees, it is important for

the Nation to understand the true nature and condition of our flood control infrastructure, as well as to develop a comprehensive national policy to address issues related to the construction, operation and maintenance of projects and other management techniques for flood damage reduction.

In that light, the Committee on Transportation and Infrastructure included language in the Water Resources Development Act of 2007 for the creation of a national Committee on Levee Safety.

The committee would be chaired by the Corps of Engineers and would include experts from around the Nation, working towards a short-term recommendation to Congress for the creation of an effective and efficient National Levee Safety Program.

The House and Senate conferees on the Water Resources Development Act of 2007 agreed on the importance of soliciting the recommendations of the Nation's leading experts in levee safety to aid in the drafting of a future National Levee Safety Program. Whatever recommendations are made by the Committee on Levee Safety, these recommendations will be referred back to the Congress for enactment in future legislation.

It is my understanding that the Corps has been working towards the creation of the committee, including the identification of a broad array of experts in levee safety. Unfortunately, the Corps believes it has hit a roadblock due to the specific wording of the authorization language that has prevented the Corps from utilizing available funding to pay for the travel expenses of the committee members.

H.R. 6040 is a simple modification to the existing authorization language to ensure that the Corps can utilize already identified funding to pay these expenses so that the Committee on Levee Safety can formally be assembled and begin its important work.

I applaud my colleagues on the Committee on Transportation and Infrastructure, Ranking Member MICA, and the ranking member of the Subcommittee on Water Resources and Environment for volunteering to move this legislation through the House.

It is my hope that the other body can, also, quickly move this legislation to the President's desk so that the Levee Safety Committee can begin its important work and complete it later this summer.

I urge adoption of this legislation.

Madam Speaker, I submit the following for the RECORD.

AMERICAN SOCIETY OF  
CIVIL ENGINEERS,  
Washington, DC, June 23, 2008.

Hon. JAMES OBERSTAR,  
Chairman, Committee on Transportation and  
Infrastructure, House of Representatives,  
Washington, DC.

Hon. JOHN MICA,  
Ranking Member, Committee on Transportation  
and Infrastructure, House of Representatives,  
Washington, DC.

DEAR MR. CHAIRMAN AND CONGRESSMAN  
MICA: I am writing on behalf of the more

than 140,000 members of the American Society of Civil Engineers (ASCE) to support passage of H.R. 6040, a bill to amend the Water Resources Development Act (WRDA) of 2007 to clarify the authority of the Secretary of the Army to provide reimbursement for travel expenses incurred by members of the Committee on Levee Safety.

As you recall, ASCE was a strong supporter of legislation to enact a national levee safety program in WRDA 2007. We believe that it is essential to clarify that the members of the Committee on Levee Safety be eligible to receive reimbursement for their travel incurred as a result of their volunteering to work on the Committee. The outcome of the Committee's study undoubtedly will have an important bearing on future legislative efforts to improve the safety of the nation's levee systems.

Sincerely yours,

DAVID G. MONGAN,  
President.

I reserve the balance of my time.

Mrs. DRAKE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we have seen in the gulf region and now along the Mississippi River what can happen when hurricane and flood protection infrastructure is inadequate or fails to perform. Yet more Americans are moving to coastal areas where the risk of hurricanes and floods is great.

In the south Atlantic region, the coastal population grew 51 percent from 1980 to 2000, and this trend is expected to continue. Along the Gulf of Mexico, the population has increased 38 percent from 1980 to 2000, and this trend is also expected to continue.

We do not know where the next hurricane or flood will hit, but we do know that many of our major cities, including parts of Washington, D.C., have a greater probability of flooding than did New Orleans.

For example, the City of Sacramento, California, has almost twice as many people as New Orleans; yet it has less flood protection than any other major city in America. Cities like Houston, St. Louis, and Miami also are at risk. We cannot treat citizens of these cities differently unless we have a policy reason that we can explain and justify to our constituents.

As we have learned from recent levee failures, our infrastructure is aging. What we know about the existence and conditions of these other levees we often learn when one fails or it is overwhelmed by a flood event. For instance, the State of California in 2005 declared a state of emergency in the Central Valley in anticipation of the failure of 24 levees. According to the State of California, it would cost more than \$5 billion to make critical delta levees, but not all delta levees, stronger in the face of flood and seismic events in the Central Valley.

In the past, Congress has taken steps to ensure that the Nation's flood damage reduction infrastructure is properly inventoried, inspected, and assessed. In 1986, the Congress authorized the National Dam Safety Program Act to conduct an inventory and assessments of all dams nationwide. The National Inventory of Dams shows that 45

percent of all Federal dams are at least 50 years old and that 80 percent of them are at least 30 years old.

We know less about the status and capabilities of our levees. There has never been a national inventory of levees. Little is known about the current condition of both Federal and non-Federal levees, including whether these levees were designed to meet current conditions or whether they have been properly maintained by the non-Federal interest.

Over the decades, levees have been built by different entities, at different times, and to different standards. They have been linked together to provide a protective system, but with such a mixture of conditions, the true level of protection may be in doubt.

Over time, development has taken place behind some of these levees so much more may be at risk in terms of lives and economic resources.

There is so much that we do not know about the levees in America that we cannot be sure how safe our cities and towns really are. We need more information.

The Water Resources Development Act of 2007 included language establishing a panel to develop recommendations for a National Levee Safety Program. However, the Committee on Levee Safety is unable to meet since a drafting error contained in the Water Resources Development Act of 2007 inadvertently keeps the Army Corps of Engineers from carrying out important work.

H.R. 6040 strikes the incorrect language and replaces it with language stating the Committee on Levee Safety can develop its recommendations subject to the availability of appropriations.

This technical change will allow the Corps of Engineers to convene the Committee on Levee Safety as soon as this bill is enacted.

With the recommendations that will come from this Committee on Levee Safety, the Congress can develop a national policy for levee safety and a program to ensure that levees are functional and safe.

I urge all Members to support H.R. 6040.

Mr. OBERSTAR. Madam Speaker, I rise in support of H.R. 6040, a bill to make a technical correction to a Water Resources and Development Act of 2007 provision authorizing the Secretary of the Army, acting through the U.S. Army Corps of Engineers, to establish a Committee on Levee Safety.

Title IX of the Water Resources Development Act of 2007 authorizes the Corps to establish a committee of Federal, State, local, tribal, and private sector experts on levee safety to develop recommendations for a national levee safety program.

As the events of the last few years have clearly demonstrated, there is a serious concern with the condition of the Nation's primary structural flood control measures—the Nation's system of levees. These structures, which range from the Federally constructed and maintained levees along the lower Mississippi

River and tributaries, to Federal, State, and local levees nationwide, protect our lives and livelihoods from the risks of flooding. Within the jurisdiction of the Corps of Engineers alone, there are between 12,000 to 13,000 miles of levees protecting everything from major metropolitan cities to towns and townships throughout the nation. Without a doubt, the health, safety, and security of countless lives depend on the resiliency and upkeep of these essential structures.

We have all witnessed the result of levee failure. Just 2 years ago, the flood walls surrounding three of the canals within the city of New Orleans failed, and the result was a major metropolitan city being underwater for days. Many of the communities impacted by this failure are still struggling today.

Just this past month, we watched as the rivers of the Upper Mississippi River and its tributaries overflowed their banks and resulted in the unfortunate loss of life, as well as thousands of families losing their homes, their cars, and their businesses to the raging waters of the Mississippi River.

Cognizant of the importance of the Nation's system of levees, the Committee on Transportation and Infrastructure included a provision within the Water Resources Development Act of 2007 to create a Committee on Levee Safety that would be tasked with developing recommendations for a national levee safety program.

The Secretary of the Army will establish the committee, and it will develop short-term recommendations to Congress for the creation of an effective and efficient National Levee Safety Program. The House and Senate conferees on the Water Resources Development Act of 2007 agreed on the importance of soliciting the recommendations of the Nation's leading experts in levee safety to aid in the drafting of a future National Levee Safety Program. The recommendations made by the committee on Levee Safety will be reported to the Committee on Transportation and Infrastructure.

It is my understanding that the Corps has been working toward the creation of this committee, including the identification of a broad array of experts in levee safety. Unfortunately, the Corps believes it has hit a roadblock due to the specific wording of the authorization language that has prevented the Corps from utilizing available funding to pay for the travel expenses of the committee members.

H.R. 6040 is a simple modification to the existing authorization language to ensure that the Corps can utilize already identified funding to pay these expenses so that the Committee on Levee Safety can formally be assembled and begin its important work.

I applaud my colleagues on the Committee on Transportation and Infrastructure, Ranking Member MICA, and the Ranking Member of the Subcommittee on Water Resources and Environment, Congressman BOOZMAN, for sponsoring this legislation. It is my hope that the other body can quickly move this legislation to the President's desk, so that the Committee on Levee Safety can begin its important work later this summer.

I urge my colleagues to support the bill.

Mrs. DRAKE. Madam Speaker, I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I have no further requests for time, and I yield back and ask for support for this measure.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and pass the bill, H.R. 6040.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### NEW AND EMERGING TECHNOLOGIES 911 IMPROVEMENT ACT OF 2008

Mr. GORDON of Tennessee. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3403) to promote and enhance public safety by facilitating the rapid deployment of IP-enabled 911 and E-911 services, encourage the Nation's transition to a national IP-enabled emergency network, and improve 911 and E-911 access to those with disabilities, with a Senate amendment thereto, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will report the Senate amendment.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "New and Emerging Technologies 911 Improvement Act of 2008" or the "NET 911 Improvement Act of 2008".*

#### TITLE I—911 SERVICES AND IP-ENABLED VOICE SERVICE PROVIDERS

##### SEC. 101. DUTY TO PROVIDE 911 AND ENHANCED 911 SERVICE.

*The Wireless Communications and Public Safety Act of 1999 is amended—*

*(1) by redesignating section 6 (47 U.S.C. 615b) as section 7;*

*(2) by inserting after section 5 the following new section:*

##### “SEC. 6. DUTY TO PROVIDE 9-1-1 AND ENHANCED 9-1-1 SERVICE.

*“(a) DUTIES.—It shall be the duty of each IP-enabled voice service provider to provide 9-1-1 service and enhanced 9-1-1 service to its subscribers in accordance with the requirements of the Federal Communications Commission, as in effect on the date of enactment of the New and Emerging Technologies 911 Improvement Act of 2008 and as such requirements may be modified by the Commission from time to time.*

*“(b) PARITY FOR IP-ENABLED VOICE SERVICE PROVIDERS.—An IP-enabled voice service provider that seeks capabilities to provide 9-1-1 and enhanced 9-1-1 service from an entity with ownership or control over such capabilities, to comply with its obligations under subsection (a), shall, for the exclusive purpose of complying with such obligations, have a right of access to such capabilities, including interconnection, to provide 9-1-1 and enhanced 9-1-1 service on the same rates, terms, and conditions that are provided to a provider of commercial mobile service (as such term is defined in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d))), subject to such regulations as the Commission prescribes under subsection (c).*

*“(c) REGULATIONS.—The Commission—*

*“(1) within 90 days after the date of enactment of the New and Emerging Technologies 911*