



## Legislative Bulletin.....October 23, 2013

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**H.R. 3080** – Water Resources Reform and Development Act of 2013 (Rep. Shuster, R-PA)

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## **H.R. 3080 – Water Resources Reform and Development Act of 2013 (Rep. Shuster, R-PA)**

**Order of Business:** The Committee on Rules will meet on Tuesday, October 22, 2013, to consider H.R. 3080. Amendments must be filed by 10:00 AM on Tuesday 23, 2013. H.R. 3080 is [scheduled](#) for consideration on Wednesday, October 23, subject to a rule.

**Summary:** [H.R. 3080](#) authorizes waterways infrastructure projects, deauthorizes outdated projects, allows greater non-federal involvement in projects, improves the Army Corps of Engineers (the Corps) planning process, and provides greater Congressional oversight to the Corps. The projects are related to flood damage reduction, navigation, shoreline protection, disaster response and recovery hydropower, water supply, dam safety, recreation, and environmental restoration and protection.

### **KEY PROVISIONS:**

#### **Fiscal Reforms:**

- Deauthorizes \$12 billion in outdated or inactive projects that were authorized prior to the last WRRDA bill, WRDA 2007.
- New authorizations sunset after seven years unless construction has begun.
- Requires the Corps to identify properties that are not necessary to its core mission. These properties must then be made available for non-federal interests to purchase.

#### **Red Tape Reduction and Streamlined Project Approval Process:**

- Sets a cap on the cost of project feasibility studies at three years and a maximum cost of \$3 million, and requires all three branches of the Corps: District, Division, Headquarters. personnel to concurrently conduct reviews of a feasibility study.
- Streamlines the environmental review process by requiring the Secretary of the Army to be the lead role in facilitating the environmental review process.
- Eliminates the requirement for duplicative studies.

#### **Greater Participation from Non-Federal Interests:**

- Allows non-federal interests to fund approved studies and projects.

- Provides greater flexibility for non-federal interests to fund the permit approval process.
- Creates a Water Infrastructure Public Private Partnership Program.

**Congressional Oversight:**

- Non-federal interests will be allowed to submit a list of water resources development needs to the Corps.
- The Corps will annually submit the proposals that meet criteria established by Congress in the “Report to Congress on Future Water Resources Development”. Each proposal must contain a statement of the benefits, purpose, name of the non-federal interest, and an estimate of the non-federal, federal, and total cost of the proposal.
- Congress will only be able to approve proposals included in the “Report to Congress on Future Water Resources Development”.

**Harbor Maintenance Trust Fund:**

- Encourages 80 percent of the funds from the Harbor Maintenance Trust Fund (HMTF) be used for dredging and maintenance of ports by FY 2020.
- Provides greater funding for ports that are underutilized with the goal of increasing their competitiveness.

**Inland Waterways Trust Fund:**

- Reduces the cost share available for the Olmsted Lock and Dam from 50 percent to 25 percent.
- Requires the Corps to submit annual reports for any inland navigation projects over \$500 million.

**AUTHORIZATION FOR 23 WATER RESOURCES PROJECTS THAT HAVE BEEN RECOMMENDED BY THE ARMY CORPS OF ENGINEERS THROUGH A “CHIEF’S REPORT”<sup>1</sup>:**

NAVIGATION				
STATE	NAME	DATE OF REPORT OF CHIEF OF ENGINEERS	ESTIMATED FEDERAL COST	ESTIMATED NON-FEDERAL COST
1. TX, LA	Sabine Neches Waterway, Southeast Texas and Southwest Louisiana	July 22, 2011	\$779,399,000	\$359,227,000
2. FL	Jacksonville Harbor-Milepoint	April 30, 2012	\$27,804,000	\$9,122,000

<sup>1</sup> More information about Chief’s Reports can be found in written testimony given on June 5, 2013, by the Army Corps of Engineers Deputy Commanding General for Civil and Emergency Operations to House Committee on Transportation and Infrastructure. The testimony can be viewed [here](#).

3. GA	Savannah Harbor Expansion Project	Aug. 17, 2012	\$461,000,000	\$201,000,000
4. TX	Freeport Harbor	Jan. 7, 2013	\$121,132,000	\$116,342,000
5. FL	Canaveral Harbor (Sect 203 Sponsor Report)	Feb. 25, 2013	\$28,652,000	\$11,588,000
<b>FLOOD RISK MANAGEMENT</b>				
1. KS	Topeka	Aug. 24, 2009	\$15,494,000	\$8,343,000
2. CA	American River Watershed, Common Features Project, Natomas Basin	Dec. 30, 2010	\$943,300,000	\$479,500,000
3. IA	Cedar River, Cedar Rapids	Jan. 27, 2011	\$67,216,000	\$36,194,000
4. MN, ND	Fargo-Moorhead Metro	Dec. 19, 2011	\$801,542,000	\$979,806,000
5. KY	Ohio River Shoreline, Paducah	May 16, 2012	\$12,893,000	\$6,943,000
<b>HURRICANE AND STORM DAMAGE RISK REDUCTION</b>				
1. NC	West Onslow Beach and New River Inlet (Top-sail Beach)	Sept. 28, 2009	Initial Cost: \$30,557,000 Total Cost: \$132,372,000	Initial Cost: \$17,315,000 Total Cost: \$132,372,000
2. NC	Surf City and North Top-sail Beach	Dec. 30, 2010	Initial Cost: \$81,484,000 Total Cost: \$106,182,000	Initial Cost: \$43,900,000 Total Cost: \$106,182,000
3. CA	San Clemente Shoreline	April 5, 2012	Initial Cost: \$7,500,000  Total Cost: \$43,400,000	Initial Cost: \$4,000,000  Total Cost: \$43,400,000
<b>HURRICANE AND STORM DAMAGE RISK REDUCTION AND ENVIRONMENTAL RESTORATION</b>				

1. MS	Mississippi Coastal Improvement Program (MSCIP) Hancock, Harrison, and Jackson Counties	Sept. 15, 2009	\$815,090,000	\$438,890,000
<b>ENVIRONMENTAL RESTORATION</b>				
1. MD	Mid-Chesapeake Bay Island	Aug. 24, 2009	\$1,221,721,000	\$657,849,000
2. FL	Central and Southern Florida Project, Comprehensive Everglades Restoration Plan, Caloosahatchee River (C-43) West Basin Storage Project, Hendry County	Mar. 11, 2010	\$297,189,000	\$297,189,000
3. LA	Louisiana Coastal Area	Dec. 30, 2010	\$954,452,000	\$513,936,000
4. MN	Marsh Lake	Dec. 30, 2011	\$6,403,000	\$3,564,000
5. FL	Central and Southern Florida Project, Comprehensive Everglades Restoration Plan, C-111 Spreader Canal Western Project	Jan. 30, 2012	\$88,992,000	\$88,992,000
6. FL	CERP Biscayne Bay Coastal Wetland, Florida	May 2, 2012	\$96,209,000	\$96,209,000
7. FL	Central and Southern Florida Project, Broward County Water Preserve Area	May 21, 2012	\$433,353,500	\$433,353,500
8. LA	Louisiana Coastal Area-Barataria Basin Barrier	June 22, 2012	\$283,567,000	\$152,690,000
9. NC	Neuse River Basin	April 23, 2013	\$23,253,100	\$12,520,900

**Additional Background:** A WRDA bill has not been passed by Congress since 2007. Since Congress has not weighed in since 2007, the Administration has been free to operate the Army Corps of Engineers without Congressional oversight or guidance. Additional background can be viewed [here](#) in a booklet prepared by the House Committee on Transportation and Infrastructure.” The Committee Report contains a Section-By-Section analysis that can be viewed [here](#).

**Committee Action:** The bill was introduced on September 11, 2013, and referred to the House Committee on Transportation and Infrastructure. On September 19, 2013, the House Committee on Transportation and Infrastructure favorably reported the bill by [voice vote](#).

**Administration Position:** No Statement of Administration Policy is available.

**Cost to Taxpayers:** According to the Congressional Budget Office (CBO) cost estimate “implementing H.R. 3080 would cost about \$3.5 billion over 2014-2018 period.” The CBO cost estimate can be viewed [here](#).

**Do the Bills Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Does the Bill Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10<sup>th</sup> Amendment?:** No.

**Does the Bill Delegate Any Legislative Authority to the Executive Branch?:** No.

**Does the Bill Contain Any Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** No.

**Constitutional Authority:** According to the sponsor, “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8 of the United States Constitution, specifically Clause 1 (related to general Welfare of the United States), and Clause 3 (related to regulation of Commerce with foreign Nations, and among the several States, and with Indian tribes).” Congressman Shuster’s statement in the Congressional Record can be viewed [here](#).

**Outside Organizations in Support of the Bill:**

- [The U.S. Chamber of Commerce](#)
- [American Association of Port Authorities](#)
- [The American Waterways Operators](#)
- [Waterways Council, Inc.](#)
- [National Association of Manufacturers](#)
- [National Association of Home Builders](#)
- [Association of Equipment Manufacturers](#)
- [National Waterways Conference](#)
- [American Society of Civil Engineers](#)
- [Associated Equipment Distributors](#)

- [American Soybean Association](#)
- [National Association of Flood & Stormwater Management Agencies](#)
- [Water Resources Coalition](#)
- [American Farm Bureau Federation](#)
- [National Construction Alliance II](#)
- [International Union of Painters and Allied Trades, AFL-CIO](#)
- [American Council of Engineering Companies](#)
- [American Road and Transportation Builders Association](#)
- [Lake Carriers Association](#)
- [The Associated General Contractors of America](#)
- [Transportation Trades Department, AFL-CIO](#)
- Additional letters of support can be viewed on the House Committee on Transportation and Infrastructure website [here](#).

**Other Outside Group Statements:**

The Heritage Foundation issued a blog stating that “committee’s decision to include reform provisions is a refreshing change of course. Yet some of the reforms could either fail to deliver on their promises or introduce new complications.” The blog can be viewed [here](#).

Taxpayers for Common Sense issued a letter in opposition to the bill.

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**NOTE:** *RSC Legislative Bulletins are for informational purposes only and should not be taken as statements of support or opposition from the Republican Study Committee.*

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