



James L. Oberstar

H.R. _____, THE WATER RESOURCES DEVELOPMENT ACT OF 2010

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

July 28, 2010

Madam Speaker, together with Subcommittee on Water Resources and Environment Chairwoman Eddie Bernice Johnson, I rise today to introduce H.R. _____, the “Water Resources Development Act of 2010”. This legislation continues the long-standing tradition of the Committee on Transportation and Infrastructure to address the critical infrastructure needs of the nation, including its water-related infrastructure.

The Committee on Transportation and Infrastructure is second to none in terms of authorizing investment in our nation’s vital infrastructure projects. Whether the issue is investment in our nation’s wastewater infrastructure, investment in our nation’s highways and public transit, or investment in our nation’s water-related infrastructure, this Committee is committed to investment in our nation’s infrastructure, to create well-paid jobs that cannot be outsourced, and to ensure the economic and environmental health and well-being of this nation for decades to come.

Every day, we see and hear of the nation’s crumbling infrastructure, and, on a bipartisan basis, are moving an agenda to repair and replace existing assets, and to plan for the next generation of highways, bridges, transit systems, airports, water transportation, and water-related infrastructure.

Last year, in an effort to stave off the worst impacts of the economic downturn, Congress passed the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5). The Recovery Act has already played a key role in putting Americans back to work. The Recovery Act enabled communities to invest in safe and reliable modes of transportation, invest in our nation’s economy and environment, and ensure that the next generation will be provided with the same opportunities that were provided to us by our predecessors.

Yesterday, our Committee held its 20th oversight hearing on the implementation of the Recovery Act, and heard testimony that, as of July 2009, 17,024 highway, transit, and wastewater infrastructure projects have broken ground across the nation, totaling \$32.7 billion – that is 86 percent of the total available formula funds. Within this total, work has been completed on 6,920

projects, totaling \$5.3 billion. Many of the projects built with these Recovery Act funds were originally considered and authorized by this Committee, including projects and studies authorized in prior water resources development acts.

Under the Recovery Act's appropriation of \$4.6 billion for the U.S. Army Corps of Engineers (Corps), the agency has committed \$3.9 billion for 793 projects, or 85 percent of its total allotment. These investments have enabled the Corps to repair or improve 155 lock chambers, and maintain or improve harbors and waterways that serve over 2,400 commercial ports. In addition, through the Recovery Act, the Corps has initiated 1,132 flood risk management projects to improve dam or levee safety, and 1,034 projects to maintain or upgrade recreation areas.

The basis for these types of investments is the water resources development act. For decades, the Committee on Transportation and Infrastructure has strived to enact a water resources development act every Congress. Since at least 1986, this Committee has been successful in reporting legislation, every Congress, to meet the water-related infrastructure needs of the nation. While these efforts were not always successful in moving a bill to the President's desk for his consideration, the tradition of our Committee, under both Democratic and Republican majorities, is to address the critical needs of the nation in a timely and regular manner.

Following the successful enactment of the Water Resources Development Act of 2007 (Pub. L. 110-114), the current Democratic and Republican leadership of the Committee on Transportation and Infrastructure renewed our commitment to enactment of a water resources development act in every Congress. Through a water resources bill, Congress authorizes critical navigation, flood damage reduction, and environmental restoration projects and studies carried out by the Corps. Throughout its history, these water resources development acts have provided the Corps with the authority to carry out nationally significant projects that have improved the economic prosperity of the nation, have protected its citizenry from the threat of flooding and coastal storms, and have put in place restoration efforts for many of America's natural treasures. In the Water Resources Development Act of 2007, Congress authorized major navigation projects along the coasts of the United States, and throughout its interior, authorized projects for the long-term recovery and restoration of coastal Louisiana from the effects of Hurricanes Katrina and Rita, and authorized the first critical projects for the restoration of the Florida Everglades.

Today, the Corps maintains more than 11,000 miles of channels for commercial navigation and operates locks at 230 sites. One-half of all locks are more than 50 years old. The Corps also maintains 300 deep commercial harbors and 600 shallow coastal and inland harbors. There are 75 hydropower plants at Corps facilities producing one-fourth of the nation's hydroelectric power. To address flood risks, the Corps manages 383 major lakes and reservoirs, and 8,500 miles of levees. The Corps estimates that, on average, its civil works projects prevent \$20 billion in flood damages every year.

The enactment of water resources development acts has a unique history, in which Congress authorizes each individual project. Since the first authorizations for these projects in the earliest days of our nation, Congress has always provided line-item authorizations for each project. Congress has never authorized a blank check to the Corps to enable it to invest wherever it chooses.

Given this unique history, and in the interest of transparency and accountability, the Committee on Transportation and Infrastructure charted a new chapter for project authorizations at

the outset of the 110th Congress. We adopted a policy requiring each project authorization in the Water Resources Development Act of 2007 to be requested by a Member of Congress and accompanied by a “no financial interest” certification signed by the requesting Member.

Every project authorization included in the Water Resources Development Act of 2007 was specifically requested by a Member of Congress, either in the House of Representatives or the United States Senate, and each request of a Member of the House was accompanied by a certification from the Member that neither he nor she nor his or her spouse had a financial interest in the project. This information was made publicly available through the Committee report, the Congressional Record, and in the Joint Explanatory Statement of the Conference Report prior to consideration of the legislation in the House of Representatives.

That transparency and accountability principle continues to be the policy of the Committee on Transportation and Infrastructure in the formulation of H.R.____, the “Water Resources Development Act of 2010”. In December 2009, the Committee received more than 2,000 individual requests from both Democratic and Republican Members for projects and studies to be included in the water resources development bill. Although this bill includes only a small percentage of those requests, the legislation introduced today represents progress in meeting the next generation of critical navigation, flood damage reduction, and environmental restoration projects for our nation.

In addition, with the introduction of this legislation, the Committee on Transportation and Infrastructure has instituted an additional measure of transparency and accountability by requiring that all project and study requests included in the introduced bill be publicly disclosed and made electronically-available on the Internet, along with a copy of the individual certifications from Members of Congress stating that neither the Member nor his or her spouse has a financial interest in the project, and a copy of a letter from the State or local government expressing support for the project.

A summary of H.R. ____, the “Water Resources Development Act of 2010”, is included with my statement.

H.R. , THE “WATER RESOURCES DEVELOPMENT ACT OF 2010”

In General

- Reaffirms the continuing commitment of the Committee on Transportation and Infrastructure to the nation’s water resources infrastructure, and a regular authorization schedule for the Civil Works Program of the Army Corps of Engineers to address new and emerging water resources needs, and to fine-tune the Corps’ missions and responsibilities.
- Authorizes three projects with Chief of Engineer’s reports relating to hurricane and storm damage reduction, and ecosystem restoration.
- Includes technical changes to the Corps’ programmatic authorities, including: clarifying the intent of Congress related to the Corps’ crediting authority; increasing the transparency of independent reviews; and improving the effectiveness of mitigation that addresses impacts from Corps’ projects on the natural environment.

- Establishes a policy for increased expenditures from the Harbor Maintenance Trust Fund to ensure that annual revenues collected are utilized to meet the nation's navigation maintenance dredging needs.
- Authorizes the Corps of Engineers to work with local communities in the assessment and evaluation of local flood control structures, including levees.

Navigation and Commerce

- Authorizes four small projects for navigation.
- Authorized additional Federal funding for the upgrade of the St. Lawrence Seaway.

Flood Damage Reduction

- Authorizes 29 small flood damage reduction projects.

Hurricane and Storm Damage Reduction and Shore Protection

- Authorizes the project Mississippi Coastal Improvements Program, Hancock, Harrison, and Jackson Counties, Mississippi.
- Authorizes the project West Onslow Beach and New River Inlet (Topsail Beach), Pender County, North Carolina.
- Authorizes ten smaller projects for shoreline and streambank protection.

Environmental Restoration and Protection

- Authorizes the project for Mid-Chesapeake Bay Island Ecosystem Restoration Project, Chesapeake Bay.
- Authorizes 31 smaller projects for aquatic ecosystem restoration and increases the per-project limit for small aquatic ecosystem restoration projects and small project modifications for improvement of the environment to \$10 million.
- Authorizes the Corps of Engineers to upgrade the initial electrical barrier and implement additional barriers in and around the Chicago Sanitary and Ship Canal to enhance efforts in keeping the Asian Carp from entering the Great Lakes.
- Directs the Secretary to study the potential for hydrologic separation of the Mississippi River basin system and the Great Lakes basin at the Chicago Sanitary and Ship Canal.
- Directs the Corps to develop a comprehensive plan for restoration of the Chesapeake Bay, in coordination with other Federal agencies and consistent with the Chesapeake Bay Agreement.
- Directs the Corps to develop a comprehensive plan for carrying out ecosystem restoration projects within the coastal waters of the Northeastern United States.

Study Authority

- Authorizes the Secretary to undertake more than 160 studies for potential future water resource projects, including potential projects for navigation, flood damage reduction, hurricane and storm damage reduction, environmental restoration, and water supply.

Watershed Planning

- Increases the opportunities for the Corps to facilitate watershed planning and carry out watershed and river basin assessments.
- Authorizes the Corps of Engineers to undertake a comprehensive water supply and allocation study for the State of Georgia.