

Florida Ports Council

Water Resources Legislation: Side-by-Side Comparison of Issues in H.R. 3080 and S. 601

Issue	House Bill (WRRDA)	Senate Bill (WRDA)	FPC Position
Authorization of funding for Florida seaport navigation projects – with a Chief’s Report completed by the enactment of this WRDA.	Specifically authorizes two navigation projects at Florida seaports, Jacksonville (Mile Point) and Canaveral. Would not authorize potential construction projects at the Jacksonville Port Authority and Port Everglades.	Authorizes the Army Corps to carry out the two navigation projects at Florida seaports in Jacksonville (Mile Point) and Canaveral. Would not authorize potential construction projects at the Jacksonville Port Authority and Port Everglades.	The FPC supports both the House and Senate position as currently written. Both bills would approve current navigation projects in Florida that have a completed Chief’s Report.
Authorization of funding for Florida seaport navigation projects – with a final Chief’s Report completed <u>after</u> the enactment of this WRDA.	The bill provides for a “sense of Congress” to consider a WRDA bill not less than once every Congress.	Provides a statutory expedited “future project authorization” process once every Congress for projects that have a completed Chief’s Report after the enactment of this WRDA.	The FPC supports language in the Senate bill that delineates in statute a specific expedited authorization process to ensure consideration of legislation once every Congress.
Authorization of a Non-Federal interest to carry out a project prior to authorization of final Chief’s Report by Congress.	Authorizes a <u>Non-Federal interest</u> to carry out a project with a final Chief’s Report when such project has not been specifically authorized by Congress. The Non-Federal interest may be eligible for credit or reimbursement for the Federal share of any work carried out by the Non-Federal interest.	<u>Does not contain any similar language regarding Non-Federal interests.</u>	The FPC supports language in the House bill that authorizes a Non-Federal interest to carry out a project which has a final Chief’s Report but has not been specifically authorized by Congress.
Additional Contributions by Non-Federal Interests, and Reimbursement of Such Contributions.	Maximizes the ability of Non-Federal interest to contribute local funds in order to carry out projects specifically authorized by Congress. Specifically authorizes a credit or reimbursement for the “Federal share of any work carried out by the Non-Federal interest...”	Authorizes a credit toward the Non-Federal cost share for the “value of any land, easements, rights-of-way, relocations, and dredged material disposal areas and the costs of planning, design, and construction work provided by the Non-Federal interest that exceed the Non-Federal cost share for a study, program, or project...”	The FPC supports language in the House bill that would allow a Non-Federal interest to contribute local funds, and be credited and/or reimbursed for the Federal share.

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Target Expenditures from the HMTF for O&M activities.	Increases the targets expenditures each year -- by FY 2020 no less than 80 percent of HMT funds go to O&M activities. Provides that such increases cannot result from a reduction in funds for activities and programs of the Corps.	Directs that the total resources made available from the HMT for O&M activities during FY 2014-2019 increase each year – from \$1 billion in FY 2014 up to \$1.5 billion in FY 2019. Provides that such increases cannot result from a reduction in funds for activities and programs of the Corps.	The FPC supports the House language increasing the target expenditures of these funds to 80 percent in FY 2020.
Expanded Use of HMTF Funds.	<p>Authorizes expanded use of up to 5 percent of HMTF funds for eligible harbors (those that generate more HMTF than they receive for O&M) for maintenance dredging of accessible berths or dredging and disposal of legacy-contaminated sediment.</p> <p>No similar language. Does not increase the current cost share hinge formula requiring a non-federal cost share of 60 percent for harbor projects greater than 45 feet.</p>	<p>Authorizes the Corps to prioritize the use of “excess” funds to carry out authorized projects as follows -- 80 percent for projects that are “high-use deep draft” ports; and 20 percent for projects in the Great Lakes Navigation System. In the unlikely event funds remain, the bill allows for allocation to moderate and low use ports.</p> <p>Revises the current cost share hinge formula to require a non-federal cost share of 50 percent for harbor projects in excess of 45 feet (50 feet). Provides limitations on this formula to certain projects -- and only if there are excess funds, and “all projects identified as high-use deep draft are maintained to their constructed width and depth.”</p>	<p>The FPC supports the House language authorizing an expanded use of HMTF funds for eligible harbors. The FPC does not support the limitation placed in the Senate bill on the use of excess funds.</p> <p>The FPC supports the Senate language modifying the cost share hinge formula for depths in excess of 45 feet. The FPC does have concerns that the limiting language is too narrowly drafted.</p>
Additional uses of HMTF Funds.	Authorizes up to 10 percent of HMTF expenditures in FYs 2015 and 2016 for O&M for Emerging Harbor Projects -- harbors that transit less than 1 million tons of commerce annually.	If appropriated, authorizes the Corps to provide funding for “Eligible Donor Ports” and “Eligible Energy Transfer Ports.”	The FPC supports the House language authorizing the use of HMTF funds for emerging harbor projects.
Corps Procedures and Reviews.	<p>Includes 3-3-3 limits (3 year reviews, no more than \$3 million in costs, and all 3 Corps levels conduct review at same time.) Also requires Corps to initiate federally-mandated reviews, including environmental reviews, no later than 90 days after the initiation of the feasibility study.</p> <p>Requires the Corps to facilitate the expeditious resolution of the environmental review process and complete documents required by NEPA, conduct concurrent environmental reviews, and establish a plan for coordinating public and agency comments on these reviews.</p>	<p>Includes a limit to 3 year reviews, and no more than \$3 million in costs. Requires an acceleration of environmental reviews and the development of uniform methodology on environmental mitigation requirements. Revises requirements relating to the independent peer review process.</p> <p>Requires the Corps to facilitate expeditious review and resolution of environmental issues, and expresses a Sense of Congress calling for cooperation by federal agencies in the environmental review process.</p>	<p>The FPC supports the efforts of both the House and Senate to develop significant reforms. The FPC supports House language requiring concurrent Corps level reviews.</p> <p>The FPC supports the addition of language directing concurrent reviews and time limits on the environmental review processes.</p>