

## 2. LEGISLATION AND EXECUTIVE ORDERS

### A. Water Resources Development Act of 1999 (P.L. 106-53)

President Clinton signed the Water Resources Development Act (WRDA) of 1999 (P.L. 106-53) on August 17, 1999. WRDA 1999 provides for the conservation and development of water and related resources and authorizes the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States. The new law has six titles concerning water resources projects, general provisions, project-related provisions, studies, miscellaneous provisions, and terrestrial wildlife habitat restoration.

WRDA 1999 authorizes 45 projects in 19 states and Puerto Rico. If funded, these projects would cost an estimated \$1.41 billion in federal money and \$880 million in nonfederal funds, for a cost-shared total of \$2.3 billion. It also increases the federal spending limits for several of the continuing authorities programs -- those relating to flood control, navigation and mitigating damages, and hurricane and storm damage reduction.

In addition to authorizing environmental studies and projects and establishing a Flood Hazard Mitigation and Riverine Ecosystem Restoration Program, the legislation: (1) increases the annual program limit for environmental dredging, i.e., removing contaminated sediments; (2) increases authorization for funding to test sediment decontamination technologies; (3) directs a comprehensive study of the Great Lakes basin and the collection, compilation, and analysis of information from all sources relevant to the Great Lakes biohydrological system; (4) increases the annual authorized funding level for the upper Mississippi River environmental management plan and authorizes a similar environmental protection and enhancement program for the Missouri and middle Mississippi Rivers; and (5) increases authorized appropriations or authorizes new programs for watersheds or environmental restoration for 10 new areas. WRDA 1999 gradually phases in a new cost-sharing formula for periodic shoreline nourishment, requires a national study of the nation's shores, and requires creation of a national coastal data bank. It also authorizes and directs 55 project or location-specific studies and several programmatic or regional studies, and authorizes modifying 91 projects or programs.

Among the numerous provisions of WRDA 1999 are the following:

1. Title I, Section 101, authorizes projects for navigation, flood control, environmental restoration, recreation, hurricane and storm damage reduction, ecosystem restoration, and navigation mitigation in Alaska, Arizona, California, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland and Virginia, Minnesota, Missouri and Kansas, New Jersey, Puerto Rico, and Texas. It authorizes projects for water resources development and conservation and related purposes, subject to a final report from the Army Corps of Engineers, in Alaska, California, Delaware and New Jersey, Florida, Georgia, Illinois, Kentucky and Tennessee, New Jersey, Oregon, Texas, and Washington.

2. Sections 102-106 direct the Secretary of the Army to conduct studies and to carry out, in various specified states, small flood control projects, small bank stabilization projects, small navigation projects, small projects for improvement of the quality of the environment, and small aquatic ecosystem restoration projects.
3. Title II, Section 204, requires that sediment decontamination technologies selected for demonstration at the pilot scale in the New York/New Jersey Harbor be intended to result in practical end-use products. It requires the Secretary to assist the project by providing sufficient quantities of contaminated dredged material. It increases the authorized appropriations for the project to complete technology testing, technology commercialization, and development of full-scale processing facilities within the New York/New Jersey Harbor.
4. Section 205 increases the annual authorized appropriations for the control of noxious aquatic plant growths and encourages the Secretary of the Army, under this program, to use contracts, cooperative agreements, and grants with colleges and universities and other nonfederal entities.
5. Section 212 authorizes the Secretary to undertake a program for the purpose of conducting projects to reduce flood hazards and to restore the natural functions and values of rivers throughout the United States.
6. Section 213 directs the Secretary to review the implementation of the Army Corps of Engineers shore management program and to report to specified congressional committees on the results of this review.
7. Section 214 amends the River and Harbor Act of 1968 to authorize shore damage prevention or mitigation activities attributable to the Atlantic Intracoastal Waterway and the Gulf Intracoastal Waterway.
8. Section 215 amends WRDA 1986 to provide for the nonfederal share of construction costs of projects for periodic shore nourishment or any measure for shore protection or beach erosion. It also requires the Secretary to report to Congress on the state of the shores of the United States and to establish a national coastal data bank containing data on the geophysical and climatological characteristics of U.S. shores.
9. Section 217 authorizes the Secretary to work with specified states to fully implement and maximize the beneficial use of dredged material from federal navigation projects.
10. Title III modifies projects for flood control, navigation, habitat restoration, water supply, shore protection and harbor mitigation, beach erosion control, storm damage reduction and shoreline erosion protection, recreation, pedestrian access features, hurricane protection, levees, environmental infrastructure, mitigation of fish and wildlife losses, watersheds, canal system restoration, environmental restoration, and rediversion in various specified states.

11. Title IV, Section 401, directs the Secretary to undertake a study of nonfederal cost-sharing requirements for the construction and operation and maintenance of deep draft harbor projects. Sections 402-460 further direct the Secretary to conduct studies with respect to specified projects in Arkansas, California, Florida, Georgia, Idaho, Illinois and Wisconsin, Indiana, Louisiana, Massachusetts, Michigan, Mississippi, Montana, Nevada, New Mexico, New York, North Carolina, Ohio, Pennsylvania, South Carolina, South Dakota, Texas, Utah, Washington, West Virginia, the Great Lakes, the Chesapeake Bay, the upper Mississippi and Illinois Rivers, and the Susquehanna River and upper Chesapeake Bay.
12. Title V contains numerous miscellaneous provisions for various water resources projects including: (a) Section 502 on environmental infrastructure; (b) Section 503 on contaminated sediment dredging technology; (c) Section 509 on the upper Mississippi River environmental management program; (d) Section 512 on the beneficial use of dredged material; (e) Section 515 on irrigation diversion protection and fisheries enhancement assistance; (f) Section 559 on coastal aquatic habitat management; (g) Section 561 on beneficial use of waste tire rubber; and (h) Section 563 on land conveyances.

For further information, contact Mr. Richard Worthington, Senior Policy Adviser, U.S. Army Corps of Engineers, 20 Massachusetts Avenue, NW, Washington, DC 20314, (phone: (202) 761-1184).

B. Contiguous Zone of the United States (Proclamation 7219)

On September 2, 1999, President Clinton signed Proclamation 7219 titled *Contiguous Zone of the United States*. International law recognizes that coastal nations may establish zones contiguous to their territorial seas, known as contiguous zones. The contiguous zone of the United States is a zone contiguous to the territorial sea of the United States, in which the United States may exercise the control necessary to prevent infringement of its customs, fiscal, immigration, or sanitary laws and regulations within its territory or territorial sea, and to punish infringement of the above laws and regulations committed within its territory or territorial sea.

By Proclamation 7219, the President extended the U.S. contiguous zone to 24 nautical miles from the baselines of the United States determined in accordance with international law, but in no case within the territorial sea of another nation. Extension of the contiguous zone of the United States to the limits permitted by international law advances the law enforcement and public health interests of the United States. Moreover, this extension is an important step in preventing the removal of cultural heritage found within 24 nautical miles of the baseline.

For further information, contact Mr. R. Tucker Scully, Deputy Assistant Secretary for Oceans, Fisheries, and Space, Bureau of Oceans and International Environmental and Scientific Affairs, U.S. Department of State, Washington, DC 20520, (phone: (202) 647-3946).