

In the House of Representatives, U. S.,

September 12, 2000.

Resolved, That the bill from the Senate (S. 835) entitled “An Act to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

2 (a) *SHORT TITLE.*—*This Act may be cited as the*
3 *“Clean Waters and Bays Act of 2000”.*

4 (b) *TABLE OF CONTENTS.*—*The table of contents for*
5 *this Act is as follows:*

Sec. 1. Short title; table of contents.

TITLE I—ESTUARY RESTORATION

Sec. 101. Short title.

Sec. 102. Purposes.

Sec. 103. Definitions.

Sec. 104. Estuary habitat restoration program.

Sec. 105. Establishment of Estuary Habitat Restoration Council.

Sec. 106. Advisory board.

Sec. 107. Estuary habitat restoration strategy.

Sec. 108. Monitoring of estuary habitat restoration projects.

Sec. 109. Reporting.

Sec. 110. Funding.

Sec. 111. General provisions.

TITLE II—CHESAPEAKE BAY RESTORATION

Sec. 201. Short title.

- Sec. 202. Findings and purposes.*
Sec. 203. Chesapeake Bay.
Sec. 204. Sense of the Congress; requirement regarding notice.

TITLE III—NATIONAL ESTUARY PROGRAM.

- Sec. 301. Additions to national estuary program.*
Sec. 302. Grants.
Sec. 303. Authorization of appropriations.

TITLE IV—FLORIDA KEYS WATER QUALITY

- Sec. 401. Short title.*
Sec. 402. Florida Keys water quality improvements.
Sec. 403. Sense of the Congress; requirement regarding notice.

TITLE V—LONG ISLAND SOUND RESTORATION

- Sec. 501. Short title.*
Sec. 502. Nitrogen credit trading system and other measures.
Sec. 503. Assistance for distressed communities.
Sec. 504. Reauthorization of appropriations.

TITLE VI—LAKE PONTCHARTRAIN BASIN RESTORATION

- Sec. 601. Short title.*
Sec. 602. National estuary program.
Sec. 603. Lake Pontchartrain Basin.
Sec. 604. Sense of the Congress.

TITLE VII—ALTERNATIVE WATER SOURCES

- Sec. 701. Short title.*
Sec. 702. Grants for alternative water source projects.
Sec. 703. Sense of the Congress; requirement regarding notice.

TITLE VIII—CLEAN LAKES

- Sec. 801. Grants to States.*
Sec. 802. Demonstration program.
Sec. 803. Sense of the Congress; requirement regarding notice.

TITLE IX—MISSISSIPPI SOUND RESTORATION

- Sec. 901. Short title.*
Sec. 902. National estuary program.
Sec. 903. Mississippi Sound.
Sec. 904. Sense of the Congress.

TITLE X—TIJUANA RIVER VALLEY ESTUARY AND BEACH CLEANUP

- Sec. 1001. Short title.*
Sec. 1002. Purpose.
Sec. 1003. Definitions.
Sec. 1004. Actions to be taken by the Commission and the Administrator.
Sec. 1005. Negotiation of new treaty minute.
Sec. 1006. Authorization of appropriations.

1 **TITLE I—ESTUARY**
2 **RESTORATION**

3 **SEC. 101. SHORT TITLE.**

4 *This title may be cited as the “Estuary Restoration*
5 *Act of 2000”.*

6 **SEC. 102. PURPOSES.**

7 *The purposes of this title are—*

8 (1) *to promote the restoration of estuary habitat;*

9 (2) *to develop a national estuary habitat restora-*
10 *tion strategy for creating and maintaining effective*
11 *estuary habitat restoration partnerships among pub-*
12 *lic agencies at all levels of government and to estab-*
13 *lish new partnerships between the public and private*
14 *sectors;*

15 (3) *to provide Federal assistance for estuary*
16 *habitat restoration projects and to promote efficient*
17 *financing of such projects; and*

18 (4) *to develop and enhance monitoring and re-*
19 *search capabilities to ensure that estuary habitat res-*
20 *toration efforts are based on sound scientific under-*
21 *standing and to create a national database of estuary*
22 *habitat restoration information.*

23 **SEC. 103. DEFINITIONS.**

24 *In this title, the following definitions apply:*

1 (1) *COUNCIL.*—*The term “Council” means the*
2 *Estuary Habitat Restoration Council established by*
3 *section 105.*

4 (2) *ESTUARY.*—*The term “estuary” means a*
5 *part of a river or stream or other body of water that*
6 *has an unimpaired connection with the open sea and*
7 *where the sea water is measurably diluted with fresh*
8 *water derived from land drainage. The term also in-*
9 *cludes near coastal waters and wetlands of the Great*
10 *Lakes that are similar in form and function to estu-*
11 *aries.*

12 (3) *ESTUARY HABITAT.*—*The term “estuary*
13 *habitat” means the physical, biological, and chemical*
14 *elements associated with an estuary, including the*
15 *complex of physical and hydrologic features and liv-*
16 *ing organisms within the estuary and associated eco-*
17 *systems.*

18 (4) *ESTUARY HABITAT RESTORATION ACTIV-*
19 *ITY.*—

20 (A) *IN GENERAL.*—*The term “estuary habi-*
21 *tat restoration activity” means an activity that*
22 *results in improving degraded estuaries or estu-*
23 *ary habitat or creating estuary habitat (includ-*
24 *ing both physical and functional restoration),*

1 with the goal of attaining a self-sustaining sys-
2 tem integrated into the surrounding landscape.

3 (B) *INCLUDED ACTIVITIES.*—The term “es-
4 tuary habitat restoration activity” includes—

5 (i) the reestablishment of chemical,
6 physical, hydrologic, and biological features
7 and components associated with an estuary;

8 (ii) except as provided in subpara-
9 graph (C), the cleanup of pollution for the
10 benefit of estuary habitat;

11 (iii) the control of nonnative and
12 invasive species in the estuary;

13 (iv) the reintroduction of species native
14 to the estuary, including through such
15 means as planting or promoting natural
16 succession;

17 (v) the construction of reefs to promote
18 fish and shellfish production and to provide
19 estuary habitat for living resources; and

20 (vi) other activities that improve estu-
21 ary habitat.

22 (C) *EXCLUDED ACTIVITIES.*—The term “es-
23 tuary habitat restoration activity” does not in-
24 clude an activity that—

1 (i) constitutes mitigation required
2 under any Federal or State law for the ad-
3 verse effects of an activity regulated or oth-
4 erwise governed by Federal or State law; or

5 (ii) constitutes restoration for natural
6 resource damages required under any Fed-
7 eral or State law.

8 (5) *ESTUARY HABITAT RESTORATION*
9 *PROJECT.*—The term “estuary habitat restoration
10 project” means a project to carry out an estuary
11 habitat restoration activity.

12 (6) *ESTUARY HABITAT RESTORATION PLAN.*—

13 (A) *IN GENERAL.*—The term “estuary habi-
14 tat restoration plan” means any Federal or
15 State plan for restoration of degraded estuary
16 habitat that was developed with the substantial
17 participation of appropriate public and private
18 stakeholders.

19 (B) *INCLUDED PLANS AND PROGRAMS.*—The
20 term “estuary habitat restoration plan” includes
21 estuary habitat restoration components of—

22 (i) a comprehensive conservation and
23 management plan approved under section
24 320 of the Federal Water Pollution Control
25 Act (33 U.S.C. 1330);

1 (ii) a lakewide management plan or
2 remedial action plan developed under sec-
3 tion 118 of the Federal Water Pollution
4 Control Act (33 U.S.C. 1268);

5 (iii) a management plan approved
6 under the Coastal Zone Management Act of
7 1972 (16 U.S.C. 1451 et seq.); and

8 (iv) the interstate management plan
9 developed pursuant to the Chesapeake Bay
10 program under section 117 of the Federal
11 Water Pollution Control Act (33 U.S.C.
12 1267).

13 (8) *INDIAN TRIBE*.—The term “Indian tribe” has
14 the meaning given such term by section 4 of the In-
15 dian Self-Determination and Education Assistance
16 Act (25 U.S.C. 450b).

17 (9) *NON-FEDERAL INTEREST*.—The term “non-
18 federal interest” means a State, a political subdivi-
19 sion of a State, an Indian tribe, a regional or inter-
20 state agency, or, as provided in section 104(g)(2), a
21 nongovernmental organization.

22 (10) *SECRETARY*.—The term “Secretary” means
23 the Secretary of the Army.

24 (11) *STATE*.—The term “State” means the States
25 of Alabama, Alaska, California, Connecticut, Dela-

1 *ware, Florida, Georgia, Hawaii, Illinois, Indiana,*
2 *Louisiana, Maine, Maryland, Massachusetts, Michi-*
3 *gan, Minnesota, Mississippi, New Hampshire, New*
4 *Jersey, New York, North Carolina, Ohio, Oregon,*
5 *Pennsylvania, Rhode Island, South Carolina, Texas,*
6 *Virginia, Washington, and Wisconsin, the District of*
7 *Columbia, the Commonwealth of Puerto Rico, the*
8 *Commonwealth of the Northern Mariana Islands, the*
9 *United States Virgin Islands, American Samoa, and*
10 *Guam.*

11 **SEC. 104. ESTUARY HABITAT RESTORATION PROGRAM.**

12 *(a) ESTABLISHMENT.—There is established an estuary*
13 *habitat restoration program under which the Secretary may*
14 *carry out estuary habitat restoration projects and provide*
15 *technical assistance in accordance with the requirements of*
16 *this title.*

17 *(b) ORIGIN OF PROJECTS.—A proposed estuary habi-*
18 *tat restoration project shall originate from a non-Federal*
19 *interest consistent with State or local laws.*

20 *(c) REQUIRED ELEMENTS OF PROJECT PROPOSALS.—*
21 *To be eligible for the estuary habitat restoration program*
22 *established under this title, each proposed estuary habitat*
23 *restoration project must—*

24 *(1) address restoration needs identified in an es-*
25 *tuary habitat restoration plan;*

1 (2) *be consistent with the estuary habitat res-*
2 *toration strategy developed under section 107;*

3 (3) *be technically feasible;*

4 (4) *include a monitoring plan that is consistent*
5 *with standards for monitoring developed under sec-*
6 *tion 108 to ensure that short-term and long-term res-*
7 *toration goals are achieved; and*

8 (5) *include satisfactory assurance from the non-*
9 *Federal interests proposing the project that the non-*
10 *Federal interests will have adequate personnel, fund-*
11 *ing, and authority to carry out and properly main-*
12 *tain the project.*

13 (d) *SELECTION OF PROJECTS.—*

14 (1) *IN GENERAL.—The Secretary, after consid-*
15 *ering the advice and recommendations of the Council,*
16 *shall select estuary habitat restoration projects taking*
17 *into account the following factors:*

18 (A) *The scientific merit of the project.*

19 (B) *Whether the project will encourage in-*
20 *creased coordination and cooperation among*
21 *Federal, State, and local government agencies.*

22 (C) *Whether the project fosters public-pri-*
23 *vate partnerships and uses Federal resources to*
24 *encourage increased private sector involvement,*
25 *including consideration of the amount of private*

1 *funds or in-kind contributions for an estuary*
2 *habitat restoration activity.*

3 *(D) Whether the project is cost-effective.*

4 *(E) Whether the State in which the non-*
5 *Federal interest is proposing the project has a*
6 *dedicated source of funding to acquire or restore*
7 *estuary habitat, natural areas, and open spaces*
8 *for the benefit of estuary habitat restoration or*
9 *protection.*

10 *(F) Other factors that the Secretary deter-*
11 *mines to be reasonable and necessary for consid-*
12 *eration.*

13 *(2) PRIORITY.—In selecting estuary habitat res-*
14 *toration projects to be carried out under this title, the*
15 *Secretary shall give priority consideration to a*
16 *project if, in addition to meriting selection based on*
17 *the factors under paragraph (1)—*

18 *(A) the project occurs within a watershed in*
19 *which there is a program being carried out that*
20 *addresses sources of pollution and other activities*
21 *that otherwise would re-impair the restored habi-*
22 *tat; or*

23 *(B) the project includes pilot testing or a*
24 *demonstration of an innovative technology hav-*

1 *ing the potential for improved cost-effectiveness*
2 *in estuary habitat restoration.*

3 *(e) COST SHARING.—*

4 *(1) FEDERAL SHARE.—The Federal share of the*
5 *cost of an estuary habitat restoration project carried*
6 *out under this title shall not exceed 65 percent of such*
7 *cost.*

8 *(2) NON-FEDERAL SHARE.—The non-Federal*
9 *share of the cost of an estuary habitat restoration*
10 *project carried out under this title shall include lands,*
11 *easements, rights-of-way, and relocations and may in-*
12 *clude services, or any other form of in-kind contribu-*
13 *tion determined by the Secretary to be an appropriate*
14 *contribution equivalent to the monetary amount re-*
15 *quired for the non-Federal share of the activity.*

16 *(f) INTERIM ACTIONS.—*

17 *(1) IN GENERAL.—Pending completion of the es-*
18 *tuary habitat restoration strategy to be developed*
19 *under section 107, the Secretary may take interim ac-*
20 *tions to carry out an estuary habitat restoration ac-*
21 *tivity.*

22 *(2) FEDERAL SHARE.—The Federal share of the*
23 *cost of an estuary habitat restoration activity before*
24 *the completion of the estuary habitat restoration*
25 *strategy shall not exceed 25 percent of such cost.*

1 (g) *COOPERATION OF NON-FEDERAL INTERESTS.*—

2 (1) *IN GENERAL.*—*The Secretary shall not select*
3 *an estuary habitat restoration project until a non-*
4 *Federal interest has entered into a written agreement*
5 *with the Secretary in which the non-Federal interest*
6 *agrees to—*

7 (A) *provide all lands, easements, rights-of-*
8 *way, and relocations and any other elements the*
9 *Secretary determines appropriate under sub-*
10 *section (e)(2); and*

11 (B) *provide for maintenance and moni-*
12 *toring of the project to the extent the Secretary*
13 *determines necessary.*

14 (2) *NONGOVERNMENTAL ORGANIZATIONS.*—*Not-*
15 *withstanding section 221 of the Flood Control Act of*
16 *1970 (42 U.S.C. 1962d–5b(b)), for any project under-*
17 *taken under this title, the Secretary, upon the rec-*
18 *ommendation of the Governor of the State in which*
19 *the project is located and in consultation with appro-*
20 *priate officials of political subdivisions of such State,*
21 *may allow a nongovernmental organization to serve*
22 *as the non-Federal interest.*

23 (h) *DELEGATION OF PROJECT IMPLEMENTATION.*—*In*
24 *carrying out this title, the Secretary may delegate project*
25 *implementation to another Federal department or agency*

1 *on a reimbursable basis if the Secretary, after considering*
2 *the advice and recommendations of the Council, determines*
3 *such delegation is appropriate.*

4 **SEC. 105. ESTABLISHMENT OF ESTUARY HABITAT RESTORA-**
5 **TION COUNCIL.**

6 (a) *COUNCIL.*—*There is established a council to be*
7 *known as the “Estuary Habitat Restoration Council”.*

8 (b) *DUTIES.*—*The Council shall be responsible for—*

9 (1) *soliciting, reviewing, and evaluating project*
10 *proposals and making recommendations concerning*
11 *such proposals based on the factors specified in sec-*
12 *tion 104(d)(1), including recommendations as to a*
13 *priority order for carrying out such projects and as*
14 *to whether a project should be carried out by the Sec-*
15 *retary or by another Federal department or agency*
16 *under section 104(h);*

17 (2) *developing and transmitting to Congress a*
18 *national strategy for restoration of estuary habitat;*

19 (3) *periodically reviewing the effectiveness of the*
20 *national strategy in meeting the purposes of this title*
21 *and, as necessary, updating the national strategy;*
22 *and*

23 (4) *providing advice on the development of the*
24 *database, monitoring standards, and report required*
25 *under sections 108 and 109.*

1 (c) *MEMBERSHIP.*—*The Council shall be composed of*
2 *the following members:*

3 (1) *The Secretary (or the Secretary’s designee).*

4 (2) *The Under Secretary for Oceans and Atmos-*
5 *phere of the Department of Commerce (or the Under*
6 *Secretary’s designee).*

7 (3) *The Administrator of the Environmental*
8 *Protection Agency (or the Administrator’s designee).*

9 (4) *The Secretary of the Interior, acting through*
10 *the Director of the United States Fish and Wildlife*
11 *Service (or such Secretary’s designee).*

12 (5) *The Secretary of Agriculture (or such Sec-*
13 *retary’s designee).*

14 (6) *The head of any other Federal agency des-*
15 *ignated by the President to serve as an ex officio*
16 *member of the Council.*

17 (d) *PROHIBITION OF COMPENSATION.*—*Members of the*
18 *Council may not receive compensation for their service as*
19 *members of the Council.*

20 (e) *CHAIRPERSON.*—*The chairperson shall be elected*
21 *by the Council from among its members for a 3-year term,*
22 *except that the first elected chairperson may serve a term*
23 *of fewer than 3 years.*

24 (f) *CONVENING OF COUNCIL.*—

1 (1) *FIRST MEETING.*—*The Secretary shall con-*
 2 *vene the first meeting of the Council not later than*
 3 *60 days after the date of the enactment of this Act for*
 4 *the purpose of electing a chairperson.*

5 (2) *ADDITIONAL MEETINGS.*—*The chairperson*
 6 *shall convene additional meetings of the Council as*
 7 *often as appropriate to ensure that this title is fully*
 8 *carried out, but not less often than annually.*

9 (g) *COUNCIL PROCEDURES.*—*The Council shall estab-*
 10 *lish procedures for voting, the conduct of meetings, and*
 11 *other matters, as necessary.*

12 (h) *PUBLIC PARTICIPATION.*—*Meetings of the Council*
 13 *shall be open to the public. The Council shall provide notice*
 14 *to the public of such meetings.*

15 **SEC. 106. ADVISORY BOARD.**

16 (a) *IN GENERAL.*—*The Council shall establish an ad-*
 17 *visory board (in this section referred to as the “board”).*

18 (b) *DUTIES.*—*The board shall provide advice and rec-*
 19 *ommendations to the Council—*

20 (1) *on the strategy developed pursuant to section*
 21 *107; and*

22 (2) *on the Council’s consideration of proposed es-*
 23 *tuary habitat restoration projects and the Council’s*
 24 *recommendations to the Secretary pursuant to section*

1 105(b)(1), including advice on the scientific merit,
2 technical merit, and feasibility of a project.

3 (c) *MEMBERS.*—The Council shall appoint members of
4 the board representing diverse public and private interests.
5 Members of the board shall be selected such that the board
6 consists of—

7 (1) three members with recognized academic sci-
8 entific expertise in estuary or estuary habitat restora-
9 tion;

10 (2) three members representing State agencies
11 with expertise in estuary or estuary habitat restora-
12 tion;

13 (3) two members representing local or regional
14 government agencies with expertise in estuary or estu-
15 ary habitat restoration;

16 (4) two members representing nongovernmental
17 organizations with expertise in estuary or estuary
18 habitat restoration;

19 (5) two members representing fishing interests;

20 (6) two members representing estuary users other
21 than fishing interests;

22 (7) two members representing agricultural inter-
23 ests; and

24 (8) two members representing Indian tribes.

25 (d) *TERMS.*—

1 (1) *IN GENERAL.*—*Except as provided by sub-*
2 *paragraph (B), members of the board shall be ap-*
3 *pointed for a term of 3 years.*

4 (2) *INITIAL MEMBERS.*—*As designated by the*
5 *chairperson of the Council at the time of appoint-*
6 *ment, of the members first appointed—*

7 (A) *nine shall be appointed for a term of 1*
8 *year; and*

9 (B) *nine shall be appointed for a term of 2*
10 *years.*

11 (e) *VACANCIES.*—*Whenever a vacancy occurs among*
12 *members of the board, the Council shall appoint an appro-*
13 *priate individual to fill that vacancy for the remainder of*
14 *the applicable term.*

15 (f) *BOARD LEADERSHIP.*—*The board shall elect from*
16 *among its members a chairperson of the board to represent*
17 *the board in matters related to its duties under this title.*

18 (g) *COMPENSATION.*—*Members of the board shall not*
19 *be considered to be employees of the United States and may*
20 *not receive compensation for their service as members of the*
21 *board, except that while engaged in the performance of their*
22 *duties while away from their homes or regular place of busi-*
23 *ness, members of the board may be allowed necessary travel*
24 *expenses as authorized by section 5703 of title 5, United*
25 *States Code.*

1 (h) *TECHNICAL SUPPORT.*—*Technical support may be*
2 *provided to the board by regional and field staff of the Corps*
3 *of Engineers, the Environmental Protection Agency, the Na-*
4 *tional Oceanic and Atmospheric Administration, the*
5 *United States Fish and Wildlife Service, and the Depart-*
6 *ment of Agriculture. The Secretary shall coordinate the pro-*
7 *vision of such assistance.*

8 (i) *ADMINISTRATIVE SUPPORT SERVICES.*—*Upon the*
9 *request of the board, the Secretary may provide to the board*
10 *the administrative support services necessary for the board*
11 *to carry out its responsibilities under this title.*

12 (j) *FUNDING.*—*From amounts appropriated for that*
13 *purpose under section 110, the Secretary shall provide fund-*
14 *ing for the board to carry out its duties under this title.*

15 **SEC. 107. ESTUARY HABITAT RESTORATION STRATEGY.**

16 (a) *IN GENERAL.*—*Not later than 1 year after the date*
17 *of the enactment of this Act, the Council, in consultation*
18 *with the advisory board established under section 106, shall*
19 *develop an estuary habitat restoration strategy designed to*
20 *ensure a comprehensive approach to maximize benefits de-*
21 *rived from estuary habitat restoration projects and to foster*
22 *the coordination of Federal and non-Federal activities re-*
23 *lated to restoration of estuary habitat.*

1 (b) *GOAL.*—*The goal of the strategy shall be the res-*
2 *toration of 1,000,000 acres of estuary habitat by the year*
3 *2010.*

4 (c) *INTEGRATION OF ESTUARY HABITAT RESTORATION*
5 *PLANS, PROGRAMS, AND PARTNERSHIPS.*—*In developing*
6 *the estuary habitat restoration strategy, the Council shall—*

7 (1) *conduct a review of estuary management or*
8 *habitat restoration plans and Federal programs estab-*
9 *lished under other laws that authorize funding for es-*
10 *tuary habitat restoration activities; and*

11 (2) *ensure that the estuary habitat restoration*
12 *strategy is developed in a manner that is consistent*
13 *with the estuary management or habitat restoration*
14 *plans.*

15 (d) *ELEMENTS OF THE STRATEGY.*—*The estuary habi-*
16 *tat restoration strategy shall include proposals, methods,*
17 *and guidance on—*

18 (1) *maximizing the incentives for the creation of*
19 *new public-private partnerships to carry out estuary*
20 *habitat restoration projects and the use of Federal re-*
21 *sources to encourage increased private sector involve-*
22 *ment in estuary habitat restoration activities;*

23 (2) *ensuring that the estuary habitat restoration*
24 *strategy will be implemented in a manner that is*

1 *consistent with the estuary management or habitat*
2 *restoration plans;*

3 (3) *promoting estuary habitat restoration*
4 *projects to—*

5 (A) *provide healthy ecosystems in order to*
6 *support—*

7 (i) *wildlife, including endangered and*
8 *threatened species, migratory birds, and*
9 *resident species of an estuary watershed;*
10 *and*

11 (ii) *fish and shellfish, including com-*
12 *mercial and recreational fisheries;*

13 (B) *improve surface and ground water*
14 *quality and quantity, and flood control;*

15 (C) *provide outdoor recreation and other di-*
16 *rect and indirect values; and*

17 (D) *address other areas of concern that the*
18 *Council determines to be appropriate for consid-*
19 *eration;*

20 (4) *addressing the estimated historic losses, esti-*
21 *mated current rate of loss, and extent of the threat of*
22 *future loss or degradation of each type of estuary*
23 *habitat;*

24 (5) *measuring the rate of change for each type*
25 *of estuary habitat;*

1 (6) *selecting a balance of smaller and larger es-*
 2 *tuary habitat restoration projects; and*

3 (7) *ensuring equitable geographic distribution of*
 4 *projects funded under this title.*

5 (e) *PUBLIC REVIEW AND COMMENT.*—*Before the Coun-*
 6 *cil adopts a final or revised estuary habitat restoration*
 7 *strategy, the Secretary shall publish in the Federal Register*
 8 *a draft of the estuary habitat restoration strategy and pro-*
 9 *vide an opportunity for public review and comment.*

10 (f) *PERIODIC REVISION.*—*Using data and information*
 11 *developed through project monitoring and management,*
 12 *and other relevant information, the Council may periodi-*
 13 *cally review and update, as necessary, the estuary habitat*
 14 *restoration strategy.*

15 **SEC. 108. MONITORING OF ESTUARY HABITAT RESTORA-**
 16 **TION PROJECTS.**

17 (a) *UNDER SECRETARY.*—*In this section, the term*
 18 *“Under Secretary” means the Under Secretary for Oceans*
 19 *and Atmosphere of the Department of Commerce.*

20 (b) *DATABASE OF RESTORATION PROJECT INFORMA-*
 21 *TION.*—*The Under Secretary, in consultation with the*
 22 *Council, shall develop and maintain an appropriate data-*
 23 *base of information concerning estuary habitat restoration*
 24 *projects carried out under this title, including information*

1 *on project techniques, project completion, monitoring data,*
2 *and other relevant information.*

3 (c) *MONITORING DATA STANDARDS.*—*The Under Sec-*
4 *retary, in consultation with the Council, shall develop*
5 *standard data formats for monitoring projects, along with*
6 *requirements for types of data collected and frequency of*
7 *monitoring.*

8 (d) *COORDINATION OF DATA.*—*The Under Secretary*
9 *shall compile information that pertains to estuary habitat*
10 *restoration projects from other Federal, State, and local*
11 *sources and that meets the quality control requirements and*
12 *data standards established under this section.*

13 (e) *USE OF EXISTING PROGRAMS.*—*The Under Sec-*
14 *retary shall use existing programs within the National Oce-*
15 *anic and Atmospheric Administration to create and main-*
16 *tain the database required under this section.*

17 (f) *PUBLIC AVAILABILITY.*—*The Under Secretary shall*
18 *make the information collected and maintained under this*
19 *section available to the public.*

20 **SEC. 109. REPORTING.**

21 (a) *IN GENERAL.*—*At the end of the third and fifth*
22 *fiscal years following the date of the enactment of this Act,*
23 *the Secretary, after considering the advice and rec-*
24 *ommendations of the Council, shall transmit to Congress*

1 *a report on the results of activities carried out under this*
2 *title.*

3 (b) *CONTENTS OF REPORT.*—*A report under subsection*
4 *(a) shall include—*

5 (1) *data on the number of acres of estuary habi-*
6 *tat restored under this title, including descriptions of,*
7 *and partners involved with, projects selected, in*
8 *progress, and completed under this title that comprise*
9 *those acres;*

10 (2) *information from the database established*
11 *under section 108(b) related to ongoing monitoring of*
12 *projects to ensure that short-term and long-term res-*
13 *toration goals are achieved;*

14 (3) *an estimate of the long-term success of vary-*
15 *ing restoration techniques used in carrying out estu-*
16 *ary habitat restoration projects;*

17 (4) *a review of how the information described in*
18 *paragraphs (1) through (3) has been incorporated in*
19 *the selection and implementation of estuary habitat*
20 *restoration projects;*

21 (5) *a review of efforts made to maintain an ap-*
22 *propriate database of restoration projects carried out*
23 *under this title; and*

24 (6) *a review of the measures taken to provide the*
25 *information described in paragraphs (1) through (3)*

1 *to persons with responsibility for assisting in the res-*
 2 *toration of estuary habitat.*

3 **SEC. 110. FUNDING.**

4 *(a) AUTHORIZATION OF APPROPRIATIONS.—*

5 *(1) ESTUARY HABITAT RESTORATION*
 6 *PROJECTS.—There is authorized to be appropriated to*
 7 *the Secretary for carrying out and providing tech-*
 8 *anical assistance for estuary habitat restoration*
 9 *projects—*

10 *(A) \$30,000,000 for fiscal year 2001;*

11 *(B) \$35,000,000 for fiscal year 2002; and*

12 *(C) \$45,000,000 for each of fiscal years*
 13 *2003 through 2005.*

14 *Such amounts shall remain available until expended.*

15 *(2) MONITORING.—There is authorized to be ap-*
 16 *propriated to the Under Secretary for Oceans and At-*
 17 *mosphere of the Department of Commerce for the ac-*
 18 *quisition, maintenance, and management of moni-*
 19 *toring data on restoration projects carried out under*
 20 *this title, \$1,500,000 for each of fiscal years 2001*
 21 *through 2005. Such amounts shall remain available*
 22 *until expended.*

23 *(b) SET-ASIDE FOR ADMINISTRATIVE EXPENSES OF*
 24 *THE COUNCIL AND ADVISORY BOARD.—Not to exceed 3 per-*
 25 *cent of the amounts appropriated for a fiscal year under*

1 subsection (a)(1) or \$1,500,000, whichever is greater, may
2 be used by the Secretary for administration and operation
3 of the Council and the advisory board established under sec-
4 tion 106.

5 **SEC. 111. GENERAL PROVISIONS.**

6 (a) *AGENCY CONSULTATION AND COORDINATION.*—In
7 carrying out this title, the Secretary shall, as necessary,
8 consult with, cooperate with, and coordinate its activities
9 with the activities of other Federal departments and agen-
10 cies.

11 (b) *COOPERATIVE AGREEMENTS; MEMORANDA OF UN-*
12 *DERSTANDING.*—In carrying out this title, the Secretary
13 may—

14 (1) *enter into cooperative agreements with Fed-*
15 *eral, State, and local government agencies and other*
16 *entities; and*

17 (2) *execute such memoranda of understanding as*
18 *are necessary to reflect the agreements.*

19 (c) *FEDERAL AGENCY FACILITIES AND PERSONNEL.*—
20 *Federal agencies may cooperate in carrying out scientific*
21 *and other programs necessary to carry out this title, and*
22 *may provide facilities and personnel, for the purpose of as-*
23 *sisting the Council in carrying out its duties under this*
24 *title.*

1 (d) *IDENTIFICATION AND MAPPING OF DREDGED MA-*
 2 *TERIAL DISPOSAL SITES.*—*In consultation with appro-*
 3 *priate Federal and non-Federal public entities, the Sec-*
 4 *retary shall undertake, and update as warranted by*
 5 *changed conditions, surveys to identify and map sites ap-*
 6 *propriate for beneficial uses of dredged material for the pro-*
 7 *tection, restoration, and creation of aquatic and ecologically*
 8 *related habitats, including wetlands, in order to further the*
 9 *purposes of this title.*

10 (e) *STUDY OF BIOREMEDIATION TECHNOLOGY.*—

11 (1) *IN GENERAL.*—*Not later than 180 days after*
 12 *the date of the enactment of this Act, the Adminis-*
 13 *trator of the Environmental Protection Agency, with*
 14 *the participation of the estuarine scientific commu-*
 15 *nity, shall begin a 2-year study on the efficacy of bio-*
 16 *remediation products.*

17 (2) *REQUIREMENTS.*—*The study shall—*

18 (A) *evaluate and assess bioremediation*
 19 *technology—*

20 (i) *on low-level petroleum hydrocarbon*
 21 *contamination from recreational boat bilges;*

22 (ii) *on low-level petroleum hydrocarbon*
 23 *contamination from stormwater discharges;*

24 (iii) *on nonpoint petroleum hydro-*
 25 *carbon discharges; and*

- 1 (iv) as a first response tool for petro-
- 2 leum hydrocarbon spills; and
- 3 (B) recommend management actions to op-
- 4 timize the return of a healthy and balanced eco-
- 5 system and make improvements in the quality
- 6 and character of estuarine waters.

7 **TITLE II—CHESAPEAKE BAY**

8 **RESTORATION**

9 **SEC. 201. SHORT TITLE.**

10 *This title may be cited as the “Chesapeake Bay Res-*

11 *toration Act of 2000”.*

12 **SEC. 202. FINDINGS AND PURPOSES.**

13 (a) *FINDINGS.*—Congress finds that—

14 (1) *the Chesapeake Bay is a national treasure*

15 *and a resource of worldwide significance;*

16 (2) *over many years, the productivity and water*

17 *quality of the Chesapeake Bay and its watershed were*

18 *diminished by pollution, excessive sedimentation,*

19 *shoreline erosion, the impacts of population growth*

20 *and development in the Chesapeake Bay watershed,*

21 *and other factors;*

22 (3) *the Federal Government (acting through the*

23 *Administrator of the Environmental Protection Agen-*

24 *cy), the Governor of the State of Maryland, the Gov-*

25 *ernor of the Commonwealth of Virginia, the Governor*

1 *of the Commonwealth of Pennsylvania, the Chair-*
2 *person of the Chesapeake Bay Commission, and the*
3 *Mayor of the District of Columbia, as Chesapeake*
4 *Bay Agreement signatories, have committed to a com-*
5 *prehensive cooperative program to achieve improved*
6 *water quality and improvements in the productivity*
7 *of living resources of the Bay;*

8 *(4) the cooperative program described in para-*
9 *graph (3) serves as a national and international*
10 *model for the management of estuaries; and*

11 *(5) there is a need to expand Federal support for*
12 *monitoring, management, and restoration activities*
13 *in the Chesapeake Bay and the tributaries of the Bay*
14 *in order to meet and further the original and subse-*
15 *quent goals and commitments of the Chesapeake Bay*
16 *Program.*

17 **(b) PURPOSES.**—*The purposes of this title are—*

18 *(1) to expand and strengthen cooperative efforts*
19 *to restore and protect the Chesapeake Bay; and*

20 *(2) to achieve the goals established in the Chesa-*
21 *apeake Bay Agreement.*

22 **SEC. 203. CHESAPEAKE BAY.**

23 *Section 117 of the Federal Water Pollution Control Act*
24 *(33 U.S.C. 1267) is amended to read as follows:*

1 **“SEC. 117. CHESAPEAKE BAY.**

2 “(a) *DEFINITIONS.*—*In this section, the following defi-*
3 *nitions apply:*

4 “(1) *ADMINISTRATIVE COST.*—*The term ‘admin-*
5 *istrative cost’ means the cost of salaries and fringe*
6 *benefits incurred in administering a grant under this*
7 *section.*

8 “(2) *CHESAPEAKE BAY AGREEMENT.*—*The term*
9 *‘Chesapeake Bay Agreement’ means the formal, vol-*
10 *untary agreements executed to achieve the goal of re-*
11 *storing and protecting the Chesapeake Bay ecosystem*
12 *and the living resources of the Chesapeake Bay eco-*
13 *system and signed by the Chesapeake Executive Coun-*
14 *cil.*

15 “(3) *CHESAPEAKE BAY ECOSYSTEM.*—*The term*
16 *‘Chesapeake Bay ecosystem’ means the ecosystem of*
17 *the Chesapeake Bay and its watershed.*

18 “(4) *CHESAPEAKE BAY PROGRAM.*—*The term*
19 *‘Chesapeake Bay Program’ means the program di-*
20 *rected by the Chesapeake Executive Council in accord-*
21 *ance with the Chesapeake Bay Agreement.*

22 “(5) *CHESAPEAKE EXECUTIVE COUNCIL.*—*The*
23 *term ‘Chesapeake Executive Council’ means the sig-*
24 *natories to the Chesapeake Bay Agreement.*

1 “(6) *SIGNATORY JURISDICTION.*—*The term ‘sig-*
2 *natory jurisdiction’ means a jurisdiction of a signa-*
3 *tory to the Chesapeake Bay Agreement.*

4 “(b) *CONTINUATION OF CHESAPEAKE BAY PRO-*
5 *GRAM.*—

6 “(1) *IN GENERAL.*—*In cooperation with the*
7 *Chesapeake Executive Council (and as a member of*
8 *the Council), the Administrator shall continue the*
9 *Chesapeake Bay Program.*

10 “(2) *PROGRAM OFFICE.*—

11 “(A) *IN GENERAL.*—*The Administrator*
12 *shall maintain in the Environmental Protection*
13 *Agency a Chesapeake Bay Program Office.*

14 “(B) *FUNCTION.*—*The Chesapeake Bay Pro-*
15 *gram Office shall provide support to the Ches-*
16 *apeake Executive Council by—*

17 “(i) *implementing and coordinating*
18 *science, research, modeling, support services,*
19 *monitoring, data collection, and other ac-*
20 *tivities that support the Chesapeake Bay*
21 *Program;*

22 “(ii) *developing and making available,*
23 *through publications, technical assistance,*
24 *and other appropriate means, information*
25 *pertaining to the environmental quality*

1 *and living resources of the Chesapeake Bay*
2 *ecosystem;*

3 “(iii) *in cooperation with appropriate*
4 *Federal, State, and local authorities, assist-*
5 *ing the signatories to the Chesapeake Bay*
6 *Agreement in developing and implementing*
7 *specific action plans to carry out the re-*
8 *sponsibilities of the signatories to the Ches-*
9 *apeake Bay Agreement;*

10 “(iv) *coordinating the actions of the*
11 *Environmental Protection Agency with the*
12 *actions of the appropriate officials of other*
13 *Federal agencies and State and local au-*
14 *thorities in developing strategies to—*

15 “(I) *improve the water quality*
16 *and living resources in the Chesapeake*
17 *Bay ecosystem; and*

18 “(II) *obtain the support of the ap-*
19 *propriate officials of the agencies and*
20 *authorities in achieving the objectives*
21 *of the Chesapeake Bay Agreement; and*

22 “(v) *implementing outreach programs*
23 *for public information, education, and par-*
24 *ticipation to foster stewardship of the re-*
25 *sources of the Chesapeake Bay.*

1 “(c) *INTERAGENCY AGREEMENTS.*—*The Administrator*
2 *may enter into an interagency agreement with a Federal*
3 *agency to carry out this section.*

4 “(d) *TECHNICAL ASSISTANCE AND ASSISTANCE*
5 *GRANTS.*—

6 “(1) *IN GENERAL.*—*In cooperation with the*
7 *Chesapeake Executive Council, the Administrator*
8 *may provide technical assistance, and assistance*
9 *grants, to nonprofit organizations, State and local*
10 *governments, colleges, universities, and interstate*
11 *agencies to achieve the goals and requirements con-*
12 *tained in subsection (g)(1), subject to such terms and*
13 *conditions as the Administrator considers appro-*
14 *priate.*

15 “(2) *FEDERAL SHARE.*—

16 “(A) *IN GENERAL.*—*Except as provided in*
17 *subparagraph (B), the Federal share of an assist-*
18 *ance grant provided under paragraph (1) shall*
19 *be determined by the Administrator in accord-*
20 *ance with guidance issued by the Administrator.*

21 “(B) *SMALL WATERSHED GRANTS PRO-*
22 *GRAM.*—*The Federal share of an assistance grant*
23 *provided under paragraph (1) to carry out an*
24 *implementing activity under subsection (g)(2)*

1 *shall not exceed 75 percent of eligible project*
2 *costs, as determined by the Administrator.*

3 “(3) *NON-FEDERAL SHARE.*—*An assistance grant*
4 *under paragraph (1) shall be provided on the condi-*
5 *tion that non-Federal sources provide the remainder*
6 *of eligible project costs, as determined by the Admin-*
7 *istrator.*

8 “(4) *ADMINISTRATIVE COSTS.*—*Administrative*
9 *costs shall not exceed 10 percent of the annual grant*
10 *award.*

11 “(e) *IMPLEMENTATION AND MONITORING GRANTS.*—

12 “(1) *IN GENERAL.*—*If a signatory jurisdiction*
13 *has approved and committed to implement all or sub-*
14 *stantially all aspects of the Chesapeake Bay Agree-*
15 *ment, on the request of the chief executive of the juris-*
16 *diction, the Administrator—*

17 “(A) *shall make a grant to the jurisdiction*
18 *for the purpose of implementing the management*
19 *mechanisms established under the Chesapeake*
20 *Bay Agreement, subject to such terms and condi-*
21 *tions as the Administrator considers appro-*
22 *priate; and*

23 “(B) *may make a grant to a signatory ju-*
24 *risdiction for the purpose of monitoring the*
25 *Chesapeake Bay ecosystem.*

1 “(2) *PROPOSALS.*—

2 “(A) *IN GENERAL.*—*A signatory jurisdiction*
3 *described in paragraph (1) may apply for*
4 *a grant under this subsection for a fiscal year by*
5 *submitting to the Administrator a comprehensive*
6 *proposal to implement management mechanisms*
7 *established under the Chesapeake Bay Agreement.*

8 “(B) *CONTENTS.*—*A proposal under sub-*
9 *paragraph (A) shall include—*

10 “(i) *a description of proposed manage-*
11 *ment mechanisms that the jurisdiction com-*
12 *mits to take within a specified time period,*
13 *such as reducing or preventing pollution in*
14 *the Chesapeake Bay and its watershed or*
15 *meeting applicable water quality standards*
16 *or established goals and objectives under the*
17 *Chesapeake Bay Agreement; and*

18 “(ii) *the estimated cost of the actions*
19 *proposed to be taken during the fiscal year.*

20 “(3) *APPROVAL.*—*If the Administrator finds that*
21 *the proposal is consistent with the Chesapeake Bay*
22 *Agreement and the national goals established under*
23 *section 101(a), the Administrator may approve the*
24 *proposal for an award.*

1 “(4) *FEDERAL SHARE.*—*The Federal share of an*
2 *implementation grant under this subsection shall not*
3 *exceed 50 percent of the cost of implementing the*
4 *management mechanisms during the fiscal year.*

5 “(5) *NON-FEDERAL SHARE.*—*An implementation*
6 *grant under this subsection shall be made on the con-*
7 *dition that non-Federal sources provide the remainder*
8 *of the costs of implementing the management mecha-*
9 *nisms during the fiscal year.*

10 “(6) *ADMINISTRATIVE COSTS.*—*Administrative*
11 *costs shall not exceed 10 percent of the annual grant*
12 *award.*

13 “(7) *REPORTING.*—*On or before October 1 of*
14 *each fiscal year, the Administrator shall make avail-*
15 *able to the public a document that lists and describes,*
16 *in the greatest practicable degree of detail—*

17 “(A) *all projects and activities funded for*
18 *the fiscal year;*

19 “(B) *the goals and objectives of projects*
20 *funded for the previous fiscal year; and*

21 “(C) *the net benefits of projects funded for*
22 *previous fiscal years.*

23 “(f) *FEDERAL FACILITIES AND BUDGET COORDINA-*
24 *TION.*—

1 “(1) *SUBWATERSHED PLANNING AND RESTORA-*
2 *TION.—A Federal agency that owns or operates a fa-*
3 *ility (as defined by the Administrator) within the*
4 *Chesapeake Bay watershed shall participate in re-*
5 *gional and subwatershed planning and restoration*
6 *programs.*

7 “(2) *COMPLIANCE WITH AGREEMENT.—The head*
8 *of each Federal agency that owns or occupies real*
9 *property in the Chesapeake Bay watershed shall en-*
10 *sure that the property, and actions taken by the agen-*
11 *cy with respect to the property, comply with the*
12 *Chesapeake Bay Agreement, the Federal Agencies*
13 *Chesapeake Ecosystem Unified Plan, and any subse-*
14 *quent agreements and plans.*

15 “(3) *BUDGET COORDINATION.—*

16 “(A) *IN GENERAL.—As part of the annual*
17 *budget submission of each Federal agency with*
18 *projects or grants related to restoration, plan-*
19 *ning, monitoring, or scientific investigation of*
20 *the Chesapeake Bay ecosystem, the head of the*
21 *agency shall submit to the President a report*
22 *that describes plans for the expenditure of the*
23 *funds under this section.*

24 “(B) *DISCLOSURE TO THE COUNCIL.—The*
25 *head of each agency referred to in subparagraph*

1 (A) shall disclose the report under that subpara-
2 graph with the Chesapeake Executive Council as
3 appropriate.

4 “(g) CHESAPEAKE BAY PROGRAM.—

5 “(1) MANAGEMENT STRATEGIES.—The Adminis-
6 trator, in coordination with other members of the
7 Chesapeake Executive Council, shall ensure that man-
8 agement plans are developed and implementation is
9 begun by signatories to the Chesapeake Bay Agree-
10 ment to achieve—

11 “(A) the nutrient goals of the Chesapeake
12 Bay Agreement for the quantity of nitrogen and
13 phosphorus entering the Chesapeake Bay and its
14 watershed;

15 “(B) the water quality requirements nec-
16 essary to restore living resources in the Chesa-
17 peake Bay ecosystem;

18 “(C) the Chesapeake Bay Basinwide Toxins
19 Reduction and Prevention Strategy goal of re-
20 ducing or eliminating the input of chemical con-
21 taminants from all controllable sources to levels
22 that result in no toxic or bioaccumulative impact
23 on the living resources of the Chesapeake Bay
24 ecosystem or on human health;

1 “(D) *habitat restoration, protection, cre-*
2 *ation, and enhancement goals established by*
3 *Chesapeake Bay Agreement signatories for wet-*
4 *lands, riparian forests, and other types of habi-*
5 *tat associated with the Chesapeake Bay eco-*
6 *system; and*

7 “(E) *the restoration, protection, creation,*
8 *and enhancement goals established by the Ches-*
9 *apeake Bay Agreement signatories for living re-*
10 *sources associated with the Chesapeake Bay eco-*
11 *system.*

12 “(2) *SMALL WATERSHED GRANTS PROGRAM.—*
13 *The Administrator, in cooperation with the Ches-*
14 *apeake Executive Council, shall—*

15 “(A) *establish a small watershed grants pro-*
16 *gram as part of the Chesapeake Bay Program;*
17 *and*

18 “(B) *offer technical assistance and assist-*
19 *ance grants under subsection (d) to local govern-*
20 *ments and nonprofit organizations and individ-*
21 *uals in the Chesapeake Bay region to*
22 *implement—*

23 “(i) *cooperative tributary basin strate-*
24 *gies that address the water quality and liv-*

1 *ing resource needs in the Chesapeake Bay*
2 *ecosystem; and*

3 *“(ii) locally based protection and res-*
4 *toration programs or projects within a wa-*
5 *tershed that complement the tributary basin*
6 *strategies, including the creation, restora-*
7 *tion, protection, or enhancement of habitat*
8 *associated with the Chesapeake Bay eco-*
9 *system.*

10 *“(h) STUDY OF CHESAPEAKE BAY PROGRAM.—*

11 *“(1) IN GENERAL.—Not later than April 22,*
12 *2000, and every 5 years thereafter, the Administrator,*
13 *in coordination with the Chesapeake Executive Coun-*
14 *cil, shall complete a study and submit to Congress a*
15 *comprehensive report on the results of the study.*

16 *“(2) REQUIREMENTS.—The study and report*
17 *shall—*

18 *“(A) assess the state of the Chesapeake Bay*
19 *ecosystem;*

20 *“(B) compare the current state of the Ches-*
21 *apeake Bay ecosystem with its state in 1975,*
22 *1985, and 1995;*

23 *“(C) assess the effectiveness of management*
24 *strategies being implemented on the date of the*

1 *enactment of this section and the extent to which*
 2 *the priority needs are being met;*

3 “(D) *make recommendations for the im-*
 4 *proved management of the Chesapeake Bay Pro-*
 5 *gram either by strengthening strategies being im-*
 6 *plemented on the date of the enactment of this*
 7 *section or by adopting new strategies; and*

8 “(E) *be presented in such a format as to be*
 9 *readily transferable to and usable by other wa-*
 10 *tershed restoration programs.*

11 “(i) *SPECIAL STUDY OF LIVING RESOURCE RE-*
 12 *SPONSE.—*

13 “(1) *IN GENERAL.—Not later than 180 days*
 14 *after the date of the enactment of this section, the Ad-*
 15 *ministrator shall commence a 5-year special study*
 16 *with full participation of the scientific community of*
 17 *the Chesapeake Bay to establish and expand under-*
 18 *standing of the response of the living resources of the*
 19 *Chesapeake Bay ecosystem to improvements in water*
 20 *quality that have resulted from investments made*
 21 *through the Chesapeake Bay Program.*

22 “(2) *REQUIREMENTS.—The study shall—*

23 “(A) *determine the current status and*
 24 *trends of living resources, including grasses,*

1 *benthos, phytoplankton, zooplankton, fish, and*
2 *shellfish;*

3 “(B) *establish to the extent practicable the*
4 *rates of recovery of the living resources in re-*
5 *sponse to improved water quality condition;*

6 “(C) *evaluate and assess interactions of spe-*
7 *cies, with particular attention to the impact of*
8 *changes within and among trophic levels; and*

9 “(D) *recommend management actions to op-*
10 *timize the return of a healthy and balanced eco-*
11 *system in response to improvements in the qual-*
12 *ity and character of the waters of the Chesapeake*
13 *Bay.*

14 “(j) *AUTHORIZATION OF APPROPRIATIONS.—There is*
15 *authorized to be appropriated to carry out this section*
16 *\$30,000,000 for each of fiscal years 2000 through 2005.”.*

17 **SEC. 204. SENSE OF THE CONGRESS; REQUIREMENT RE-**
18 **GARDING NOTICE.**

19 “(a) *PURCHASE OF AMERICAN-MADE EQUIPMENT AND*
20 *PRODUCTS.—In the case of any equipment or products that*
21 *may be authorized to be purchased with financial assistance*
22 *provided under section 117 of the Federal Water Pollution*
23 *Control Act (33 U.S.C. 1267), it is the sense of the Congress*
24 *that entities receiving such assistance should, in expending*

1 *the assistance, purchase only American-made equipment*
 2 *and products.*

3 (b) *NOTICE TO RECIPIENTS OF ASSISTANCE.*—*In pro-*
 4 *viding financial assistance under section 117 of the Federal*
 5 *Water Pollution Control Act, the head of each Federal agen-*
 6 *cy shall provide to each recipient of the assistance a notice*
 7 *describing the statement made in subsection (a) by Con-*
 8 *gress.*

9 (c) *NOTICE OF REPORT.*—*Any entity which receives*
 10 *funds under section 117 of the Federal Water Pollution*
 11 *Control Act shall report any expenditures on foreign-made*
 12 *items to Congress within 180 days of the expenditure.*

13 ***TITLE III—NATIONAL ESTUARY***
 14 ***PROGRAM***

15 ***SEC. 301. ADDITIONS TO NATIONAL ESTUARY PROGRAM.***

16 *Section 320(a)(2)(B) of the Federal Water Pollution*
 17 *Control Act (33 U.S.C. 1330(a)(2)(B)) is amended by in-*
 18 *serting “Lake Ponchartrain Basin, Louisiana and Mis-*
 19 *issippi; Mississippi Sound, Mississippi;” before “and*
 20 *Peconic Bay, New York.”.*

21 ***SEC. 302. GRANTS.***

22 *Section 320(g) of the Federal Water Pollution Control*
 23 *Act (33 U.S.C. 1330(g)) is amended by striking paragraphs*
 24 *(2) and (3) and inserting the following:*

1 “(2) *PURPOSES.*—*Grants under this subsection*
 2 *shall be made to pay for activities necessary for the*
 3 *development and implementation of a comprehensive*
 4 *conservation and management plan under this sec-*
 5 *tion.*

6 “(3) *FEDERAL SHARE.*—*The Federal share of a*
 7 *grant to any person (including a State, interstate, or*
 8 *regional agency or entity) under this subsection for a*
 9 *fiscal year—*

10 “(A) *shall not exceed—*

11 “(i) *75 percent of the annual aggregate*
 12 *costs of the development of a comprehensive*
 13 *conservation and management plan; and*

14 “(ii) *50 percent of the annual aggre-*
 15 *gate costs of the implementation of the plan;*
 16 *and*

17 “(B) *shall be made on condition that the*
 18 *non-Federal share of the costs are provided from*
 19 *non-Federal sources.”.*

20 **SEC. 303. AUTHORIZATION OF APPROPRIATIONS.**

21 *Section 320(i) of the Federal Water Pollution Control*
 22 *Act (33 U.S.C. 1330(i)) is amended by striking*
 23 *“\$12,000,000 per fiscal year for each of fiscal years 1987,*
 24 *1988, 1989, 1990, and 1991” and inserting “\$50,000,000*
 25 *for each of fiscal years 2000 through 2004”.*

1 **TITLE IV—FLORIDA KEYS WATER**
 2 **QUALITY**

3 **SEC. 401. SHORT TITLE.**

4 *This title may be cited as the “Florida Keys Water*
 5 *Quality Improvements Act of 2000”.*

6 **SEC. 402. FLORIDA KEYS WATER QUALITY IMPROVEMENTS.**

7 *Title I of the Federal Water Pollution Control Act (33*
 8 *U.S.C. 1251 et seq.) is amended by adding at the end the*
 9 *following:*

10 **“SEC. 121. FLORIDA KEYS.**

11 *“(a) IN GENERAL.—Subject to the requirements of this*
 12 *section, the Administrator may make grants to the Florida*
 13 *Keys Aqueduct Authority, appropriate agencies of municipi-*
 14 *palities of Monroe County, Florida, and other appropriate*
 15 *public agencies of the State of Florida or Monroe County*
 16 *for the planning and construction of treatment works to im-*
 17 *prove water quality in the Florida Keys National Marine*
 18 *Sanctuary.*

19 *“(b) CRITERIA FOR PROJECTS.—In applying for a*
 20 *grant for a project under subsection (a), an applicant shall*
 21 *demonstrate that—*

22 *“(1) the applicant has completed adequate plan-*
 23 *ning and design activities for the project;*

1 “(2) *the applicant has completed a financial*
2 *plan identifying sources of non-Federal funding for*
3 *the project;*

4 “(3) *the project complies with—*

5 “(A) *applicable growth management ordi-*
6 *nances of Monroe County, Florida;*

7 “(B) *applicable agreements between Monroe*
8 *County, Florida, and the State of Florida to*
9 *manage growth in Monroe County, Florida; and*

10 “(C) *applicable water quality standards;*

11 *and*

12 “(4) *the project is consistent with the master*
13 *wastewater and stormwater plans for Monroe County,*
14 *Florida.*

15 “(c) *CONSIDERATION.—In selecting projects to receive*
16 *grants under subsection (a), the Administrator shall con-*
17 *sider whether a project will have substantial water quality*
18 *benefits relative to other projects under consideration.*

19 “(d) *CONSULTATION.—In carrying out this section, the*
20 *Administrator shall consult with—*

21 “(1) *the Water Quality Steering Committee es-*
22 *tablished under section 8(d)(2)(A) of the Florida Keys*
23 *National Marine Sanctuary and Protection Act (106*
24 *Stat. 5054);*

1 “(2) *the South Florida Ecosystem Restoration*
 2 *Task Force established by section 528(f) of the Water*
 3 *Resources Development Act of 1996 (110 Stat. 3771–*
 4 *3773);*

5 “(3) *the Commission on the Everglades estab-*
 6 *lished by executive order of the Governor of the State*
 7 *of Florida; and*

8 “(4) *other appropriate State and local govern-*
 9 *ment officials.*

10 “(e) *NON-FEDERAL SHARE.—The non-Federal share of*
 11 *the cost of a project carried out using amounts from grants*
 12 *made under subsection (a) shall not be less than 25 percent.*

13 “(f) *AUTHORIZATION OF APPROPRIATIONS.—There is*
 14 *authorized to be appropriated to the Administrator to carry*
 15 *out this section—*

16 “(1) *\$32,000,000 for fiscal year 2001;*

17 “(2) *\$31,000,000 for fiscal year 2002; and*

18 “(3) *\$50,000,000 for each of fiscal years 2003*
 19 *through 2005.*

20 *Such sums shall remain available until expended.”.*

21 **SEC. 403. SENSE OF THE CONGRESS; REQUIREMENT RE-**
 22 **GARDING NOTICE.**

23 “(a) *PURCHASE OF AMERICAN-MADE EQUIPMENT AND*
 24 *PRODUCTS.—In the case of any equipment or products that*
 25 *may be authorized to be purchased with financial assistance*

1 *provided under this title (including any amendment made*
 2 *by this title), it is the sense of the Congress that entities*
 3 *receiving such assistance should, in expending the assist-*
 4 *ance, purchase only American-made equipment and prod-*
 5 *ucts.*

6 (b) *NOTICE TO RECIPIENTS OF ASSISTANCE.—In pro-*
 7 *viding financial assistance under this title (including any*
 8 *amendment made by this title), the head of each Federal*
 9 *agency shall provide to each recipient of the assistance a*
 10 *notice describing the statement made in subsection (a) by*
 11 *Congress.*

12 (c) *NOTICE OF REPORT.—Any entity which receives*
 13 *funds under this title shall report any expenditures on for-*
 14 *eign-made items to Congress within 180 days of the expend-*
 15 *iture.*

16 **TITLE V—LONG ISLAND SOUND**
 17 **RESTORATION**

18 **SEC. 501. SHORT TITLE.**

19 *This title may be cited as the “Long Island Sound Res-*
 20 *toration Act”.*

21 **SEC. 502. NITROGEN CREDIT TRADING SYSTEM AND OTHER**
 22 **MEASURES.**

23 *Section 119(c)(1) of the Federal Water Pollution Con-*
 24 *trol Act (33 U.S.C. 1269(c)(1)) is amended by inserting “,*
 25 *including efforts to establish, within the process for grant-*

1 *ing watershed general permits, a system for trading nitro-*
 2 *gen credits and any other measures that are cost-effective*
 3 *and consistent with the goals of the Plan” before the semi-*
 4 *colon at the end.*

5 **SEC. 503. ASSISTANCE FOR DISTRESSED COMMUNITIES.**

6 *Section 119 of the Federal Water Pollution Control Act*
 7 *(33 U.S.C. 1269) is amended—*

8 *(1) by redesignating subsection (e) as subsection*
 9 *(f); and*

10 *(2) by inserting after subsection (d) the fol-*
 11 *lowing:*

12 *“(e) ASSISTANCE TO DISTRESSED COMMUNITIES.—*

13 *“(1) ELIGIBLE COMMUNITIES.—*

14 *“(A) STATES TO DETERMINE CRITERIA.—*

15 *For the purposes of this subsection, a distressed*
 16 *community is any community that meets afford-*
 17 *ability criteria established by the State in which*
 18 *the community is located, if such criteria are de-*
 19 *veloped after public review and comment.*

20 *“(B) CONSIDERATION OF IMPACT ON WATER*

21 *AND SEWER RATES.—In determining if a com-*
 22 *munity is a distressed community for the pur-*
 23 *poses of this subsection, the State shall consider*
 24 *the extent to which the rate of growth of a com-*
 25 *munity’s tax base has been historically slow such*

1 *that implementing the plan described in sub-*
2 *section (c)(1) would result in a significant in-*
3 *crease in any water or sewer rate charged by the*
4 *community's publicly-owned wastewater treat-*
5 *ment facility.*

6 “(C) *INFORMATION TO ASSIST STATES.—*
7 *The Administrator may publish information to*
8 *assist States in establishing affordability criteria*
9 *under subparagraph (A).*

10 “(2) *REVOLVING LOAN FUNDS.—*

11 “(A) *LOAN SUBSIDIES.—Subject to subpara-*
12 *graph (B), any State making a loan to a dis-*
13 *tressed community from a revolving fund under*
14 *title VI for the purpose of assisting the imple-*
15 *mentation of the plan described in subsection*
16 *(c)(1) may provide additional subsidization (in-*
17 *cluding forgiveness of principal).*

18 “(B) *TOTAL AMOUNT OF SUBSIDIES.—For*
19 *each fiscal year, the total amount of loan sub-*
20 *sidies made by a State under subparagraph (A)*
21 *may not exceed 30 percent of the amount of the*
22 *capitalization grant received by the State for the*
23 *year.*

24 “(3) *PRIORITY.—In making assistance available*
25 *under this section for the upgrading of wastewater*

1 *treatment facilities, a State may give priority to a*
 2 *distressed community.”.*

3 **SEC. 504. REAUTHORIZATION OF APPROPRIATIONS.**

4 *Section 119(f) of the Federal Water Pollution Control*
 5 *Act (as redesignated by section 503 of this Act) is*
 6 *amended—*

7 *(1) in paragraph (1) by striking “1991 through*
 8 *2001” and inserting “2000 through 2003”; and*

9 *(2) in paragraph (2) by striking “not to exceed*
 10 *\$3,000,000 for each of the fiscal years 1991 through*
 11 *2001” and inserting “not to exceed \$80,000,000 for*
 12 *each of fiscal years 2000 through 2003”.*

13 **TITLE VI—LAKE PONT-**
 14 **CHARTRAIN BASIN RESTORA-**
 15 **TION**

16 **SEC. 601. SHORT TITLE.**

17 *This title may be cited as the “Lake Pontchartrain*
 18 *Basin Restoration Act of 2000”.*

19 **SEC. 602. NATIONAL ESTUARY PROGRAM.**

20 *(a) FINDING.—Congress finds that the Lake*
 21 *Ponchartrain Basin is an estuary of national significance.*

22 *(b) ADDITION TO NATIONAL ESTUARY PROGRAM.—*
 23 *Section 320(a)(2)(B) of the Federal Water Pollution Con-*
 24 *trol Act (33 U.S.C. 1330(a)(2)(B)) is further amended by*

1 *inserting “Lake Ponchartrain Basin, Louisiana and Mis-*
2 *sissippi;” before “and Peconic Bay, New York.”.*

3 **SEC. 603. LAKE PONTCHARTRAIN BASIN.**

4 *Title I of the Federal Water Pollution Control Act (33*
5 *U.S.C. 1251 et seq.) is further amended by adding at the*
6 *end the following:*

7 **“SEC. 122. LAKE PONTCHARTRAIN BASIN.**

8 *“(a) ESTABLISHMENT OF RESTORATION PROGRAM.—*
9 *The Administrator shall establish within the Environ-*
10 *mental Protection Agency the Lake Pontchartrain Basin*
11 *Restoration Program.*

12 *“(b) PURPOSE.—The purpose of the program shall be*
13 *to restore the ecological health of the Basin by developing*
14 *and funding restoration projects and related scientific and*
15 *public education projects.*

16 *“(c) DUTIES.—In carrying out the program, the Ad-*
17 *ministrator shall—*

18 *“(1) provide administrative and technical assist-*
19 *ance to a management conference convened for the*
20 *Basin under section 320;*

21 *“(2) assist and support the activities of the man-*
22 *agement conference, including the implementation of*
23 *recommendations of the management conference;*

1 “(3) support environmental monitoring of the
2 Basin and research to provide necessary technical and
3 scientific information;

4 “(4) develop a comprehensive research plan to
5 address the technical needs of the program;

6 “(5) coordinate the grant, research, and plan-
7 ning programs authorized under this section; and

8 “(6) collect and make available to the public
9 publications, and other forms of information the man-
10 agement conference determines to be appropriate, re-
11 lating to the environmental quality of the Basin.

12 “(d) GRANTS.—The Administrator may make
13 grants—

14 “(1) for restoration projects and studies rec-
15 ommended by a management conference convened for
16 the Basin under section 320;

17 “(2) for public education projects recommended
18 by the management conference; and

19 “(3) for the inflow and infiltration project spon-
20 sored by the New Orleans Sewerage and Water Board
21 and Jefferson Parish, Louisiana.

22 “(e) DEFINITIONS.—In this section, the following defi-
23 nitions apply:

24 “(1) BASIN.—The term ‘Basin’ means the Lake
25 Pontchartrain Basin, a 5,000 square mile watershed

1 *encompassing 16 parishes in the State of Louisiana*
 2 *and four counties in the State of Mississippi.*

3 “(2) *PROGRAM.—The term ‘program’ means the*
 4 *Lake Pontchartrain Basin Restoration Program es-*
 5 *tablished under subsection (a).*

6 “(f) *AUTHORIZATION OF APPROPRIATIONS.—*

7 “(1) *IN GENERAL.—There is authorized to be*
 8 *appropriated—*

9 “(A) *\$100,000,000 for the inflow and infil-*
 10 *tration project sponsored by the New Orleans*
 11 *Sewerage and Water Board and Jefferson Par-*
 12 *ish, Louisiana; and*

13 “(B) *\$5,000,000 for each of fiscal years*
 14 *2001 through 2005 to carry out this section.*

15 *Such sums shall remain available until expended.*

16 “(2) *PUBLIC EDUCATION PROJECTS.—Not more*
 17 *that 15 percent of the amount appropriated pursuant*
 18 *to paragraph (1)(B) in a fiscal year may be expended*
 19 *on grants for public education projects under sub-*
 20 *section (d)(2).”.*

21 **SEC. 604. SENSE OF THE CONGRESS.**

22 *It is the sense of the Congress that all recipients of*
 23 *grants pursuant to this title shall abide by the Buy Amer-*
 24 *ican Act. The Administrator of the Environmental Protec-*

1 *tion Agency shall give notice of the Buy American Act re-*
 2 *quirements to grant applicants.*

3 **TITLE VII—ALTERNATIVE WATER**
 4 **SOURCES**

5 **SEC. 701. SHORT TITLE.**

6 *This title may be cited as the “Alternative Water*
 7 *Sources Act of 2000”.*

8 **SEC. 702. GRANTS FOR ALTERNATIVE WATER SOURCE**
 9 **PROJECTS.**

10 *Title II of the Federal Water Pollution Control Act (33*
 11 *U.S.C. 1281 et seq.) is amended by adding at the end the*
 12 *following:*

13 **“SEC. 220. GRANTS FOR ALTERNATIVE WATER SOURCE**
 14 **PROJECTS.**

15 *“(a) IN GENERAL.—The Administrator may make*
 16 *grants to State, interstate, and intrastate water resource*
 17 *development agencies (including water management dis-*
 18 *tricts and water supply authorities), local government agen-*
 19 *cies, private utilities, and nonprofit entities for alternative*
 20 *water source projects to meet critical water supply needs.*

21 *“(b) ELIGIBLE ENTITY.—The Administrator may*
 22 *make grants under this section to an entity only if the enti-*
 23 *ty has authority under State law to develop or provide*
 24 *water for municipal, industrial, and agricultural uses in*

1 *an area of the State that is experiencing critical water sup-*
2 *ply needs.*

3 “(c) *SELECTION OF PROJECTS.*—

4 “(1) *LIMITATION.*—*A project that has received*
5 *funds under the reclamation and reuse program con-*
6 *ducted under the Reclamation Projects Authorization*
7 *and Adjustment Act of 1992 (43 U.S.C. 390h et seq.)*
8 *shall not be eligible for grant assistance under this*
9 *section.*

10 “(2) *ADDITIONAL CONSIDERATION.*—*In making*
11 *grants under this section, the Administrator shall*
12 *consider whether the project is located within the*
13 *boundaries of a State or area referred to in section*
14 *1 of the Reclamation Act of June 17, 1902 (32 Stat.*
15 *385), and within the geographic scope of the reclama-*
16 *tion and reuse program conducted under the Rec-*
17 *lamation Projects Authorization and Adjustment Act*
18 *of 1992 (43 U.S.C. 390h et seq.).*

19 “(d) *COMMITTEE RESOLUTION PROCEDURE.*—

20 “(1) *IN GENERAL.*—*No appropriation shall be*
21 *made for any alternative water source project under*
22 *this section, the total Federal cost of which exceeds*
23 *\$3,000,000, if such project has not been approved by*
24 *a resolution adopted by the Committee on Transpor-*
25 *tation and Infrastructure of the House of Representa-*

1 *tives or the Committee on Environment and Public*
2 *Works of the Senate.*

3 “(2) *REQUIREMENTS FOR SECURING CONSIDER-*
4 *ATION.—For purposes of securing consideration of ap-*
5 *proval under paragraph (1), the Administrator shall*
6 *provide to a committee referred to in paragraph (1)*
7 *such information as the committee requests and the*
8 *non-Federal sponsor shall provide to the committee*
9 *information on the costs and relative needs for the al-*
10 *ternative water source project.*

11 “(e) *USES OF GRANTS.—Amounts from grants received*
12 *under this section may be used for engineering, design, con-*
13 *struction, and final testing of alternative water source*
14 *projects designed to meet critical water supply needs. Such*
15 *amounts may not be used for planning, feasibility studies*
16 *or for operation, maintenance, replacement, repair, or reha-*
17 *ilitation.*

18 “(f) *COST SHARING.—The Federal share of the eligible*
19 *costs of an alternative water source project carried out*
20 *using assistance made available under this section shall not*
21 *exceed 50 percent.*

22 “(g) *REPORTS.—*

23 “(1) *REPORTS TO ADMINISTRATOR.—Each re-*
24 *cipient of a grant under this section shall submit to*
25 *the Administrator, not later than 18 months after the*

1 *date of receipt of the grant and biennially thereafter*
2 *until completion of the alternative water source*
3 *project funded by the grant, a report on eligible ac-*
4 *tivities carried out by the grant recipient using*
5 *amounts from the grant.*

6 “(2) *REPORT TO CONGRESS.*—*On or before Sep-*
7 *tember 30, 2005, the Administrator shall transmit to*
8 *Congress a report on the progress made toward meet-*
9 *ing the critical water supply needs of the grant re-*
10 *ipients under this section.*

11 “(h) *DEFINITIONS.*—*In this section, the following defi-*
12 *initions apply:*

13 “(1) *ALTERNATIVE WATER SOURCE PROJECT.*—
14 *The term ‘alternative water source project’ means a*
15 *project designed to provide municipal, industrial, and*
16 *agricultural water supplies in an environmentally*
17 *sustainable manner by conserving, managing, re-*
18 *claiming, or reusing water or wastewater or by treat-*
19 *ing wastewater.*

20 “(2) *CRITICAL WATER SUPPLY NEEDS.*—*The*
21 *term ‘critical water supply needs’ means existing or*
22 *reasonably anticipated future water supply needs that*
23 *cannot be met by existing water supplies, as identi-*
24 *fied in a comprehensive statewide or regional water*

1 *supply plan or assessment projected over a planning*
2 *period of at least 20 years.*

3 “(i) *AUTHORIZATION OF APPROPRIATIONS.—There is*
4 *authorized to be appropriated to carry out this section*
5 *\$75,000,000 for each of fiscal years 2000 through 2004.*
6 *Such sums shall remain available until expended.”.*

7 **SEC. 703. SENSE OF THE CONGRESS; REQUIREMENT RE-**
8 **GARDING NOTICE.**

9 (a) *PURCHASE OF AMERICAN-MADE EQUIPMENT AND*
10 *PRODUCTS.—In the case of any equipment or products that*
11 *may be authorized to be purchased with financial assistance*
12 *provided under this title (including any amendment made*
13 *by this title), it is the sense of the Congress that entities*
14 *receiving such assistance should, in expending the assist-*
15 *ance, purchase only American-made equipment and prod-*
16 *ucts.*

17 (b) *NOTICE TO RECIPIENTS OF ASSISTANCE.—In pro-*
18 *viding financial assistance under this title (including any*
19 *amendment made by this title), the head of each Federal*
20 *agency shall provide to each recipient of the assistance a*
21 *notice describing the statement made in subsection (a) by*
22 *Congress.*

23 (c) *NOTICE OF REPORT.—Any entity which receives*
24 *funds under this title shall report any expenditures on for-*

1 *eign-made items to Congress within 180 days of the expend-*
 2 *iture.*

3 **TITLE VIII—CLEAN LAKES**

4 **SEC. 801. GRANTS TO STATES.**

5 *Section 314(c)(2) of the Federal Water Pollution Con-*
 6 *trol Act (33 U.S.C. 1324(c)(2)) is amended by striking*
 7 *“\$50,000,000” the first place it appears and all that follows*
 8 *through “1990” and inserting “\$50,000,000 for each of fis-*
 9 *cal years 2001 through 2005”.*

10 **SEC. 802. DEMONSTRATION PROGRAM.**

11 *Section 314(d) of the Federal Water Pollution Control*
 12 *Act (33 U.S.C. 1324(d)) is amended—*

13 *(1) in paragraph (2) by inserting “Otsego Lake,*
 14 *New York; Oneida Lake, New York; Raystown Lake,*
 15 *Pennsylvania; Swan Lake, Itasca County, Min-*
 16 *nesota;” after “Sauk Lake, Minnesota;”;*

17 *(2) in paragraph (3) by striking “By” and in-*
 18 *serting “Notwithstanding section 3003 of the Federal*
 19 *Reports Elimination and Sunset Act of 1995 (31*
 20 *U.S.C. 1113 note; 109 Stat. 734–736), by”;* and

21 *(3) in paragraph (4)(B)(i) by striking*
 22 *“\$15,000,000” and inserting “\$25,000,000”.*

1 **SEC. 803. SENSE OF THE CONGRESS; REQUIREMENT RE-**
2 **GARDING NOTICE.**

3 (a) *PURCHASE OF AMERICAN-MADE EQUIPMENT AND*
4 *PRODUCTS.*—*In the case of any equipment or products that*
5 *may be authorized to be purchased with financial assistance*
6 *provided under this title (including any amendment made*
7 *by this title), it is the sense of the Congress that entities*
8 *receiving such assistance should, in expending the assist-*
9 *ance, purchase only American-made equipment and prod-*
10 *ucts.*

11 (b) *NOTICE TO RECIPIENTS OF ASSISTANCE.*—*In pro-*
12 *viding financial assistance under this title (including any*
13 *amendment made by this title), the head of each Federal*
14 *agency shall provide to each recipient of the assistance a*
15 *notice describing the statement made in subsection (a) by*
16 *Congress.*

17 (c) *NOTICE OF REPORT.*—*Any entity which receives*
18 *funds under this title shall report any expenditures on for-*
19 *eign-made items to Congress within 180 days of expendi-*
20 *ture.*

21 **TITLE IX—MISSISSIPPI SOUND**
22 **RESTORATION**

23 **SEC. 901. SHORT TITLE.**

24 *This title may be cited as the “Mississippi Sound Res-*
25 *toration Act of 2000”.*

1 **SEC. 902. NATIONAL ESTUARY PROGRAM.**

2 (a) *FINDING.*—Congress finds that the Mississippi
3 Sound is an estuary of national significance.

4 (b) *ADDITION TO NATIONAL ESTUARY PROGRAM.*—
5 Section 320(a)(2)(B) of the Federal Water Pollution Con-
6 trol Act (33 U.S.C. 1330(a)(2)(B)) is further amended by
7 inserting “Mississippi Sound, Mississippi;” before “and
8 Peconic Bay, New York.”.

9 **SEC. 903. MISSISSIPPI SOUND.**

10 Title I of the Federal Water Pollution Control Act (33
11 U.S.C. 1251 et seq.) is further amended by adding at the
12 end the following:

13 **“SEC. 123. MISSISSIPPI SOUND.**

14 “(a) *ESTABLISHMENT OF RESTORATION PROGRAM.*—
15 The Administrator shall establish within the Environ-
16 mental Protection Agency the Mississippi Sound Restora-
17 tion Program.

18 “(b) *PURPOSE.*—The purpose of the program shall be
19 to restore the ecological health of the Sound, including bar-
20 rier islands, coastal wetlands, keys, and reefs, by developing
21 and funding restoration projects and related scientific and
22 public education projects and by coordinating efforts among
23 Federal, State, and local governmental agencies and non-
24 regulatory organizations.

25 “(c) *DUTIES.*—In carrying out the program, the Ad-
26 ministrator shall—

1 “(1) *provide administrative and technical assist-*
2 *ance to a management conference convened for the*
3 *Sound under section 320;*

4 “(2) *assist and support the activities of the man-*
5 *agement conference, including the implementation of*
6 *recommendations of the management conference;*

7 “(3) *support environmental monitoring of the*
8 *Sound and research to provide necessary technical*
9 *and scientific information;*

10 “(4) *develop a comprehensive research plan to*
11 *address the technical needs of the program;*

12 “(5) *coordinate the grant, research, and plan-*
13 *ning programs authorized under this section; and*

14 “(6) *collect and make available to the public*
15 *publications, and other forms of information the man-*
16 *agement conference determines to be appropriate, re-*
17 *lating to the environmental quality of the Sound.*

18 “(d) *GRANTS.—The Administrator may make*
19 *grants—*

20 “(1) *for restoration projects and studies rec-*
21 *ommended by a management conference convened for*
22 *the Sound under section 320; and*

23 “(2) *for public education projects recommended*
24 *by the management conference.*

1 “(e) *DEFINITIONS.*—*In this section, the following defi-*
2 *nitions apply:*

3 “(1) *SOUND.*—*The term ‘Sound’ means the Mis-*
4 *issippi Sound located on the Gulf Coast of the State*
5 *of Mississippi.*

6 “(2) *PROGRAM.*—*The term ‘program’ means the*
7 *Mississippi Sound Restoration Program established*
8 *under subsection (a).*

9 “(f) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
10 *authorized to be appropriated \$10,000,000 to carry out this*
11 *section. Such sums shall remain available until expended.”.*

12 **SEC. 904. SENSE OF THE CONGRESS.**

13 *It is the sense of the Congress that all recipients of*
14 *grants under this title (including amendments made by this*
15 *title) shall abide by the Buy American Act. The Adminis-*
16 *trator of the Environmental Protection Agency shall give*
17 *notice of the Buy American Act requirements to grant ap-*
18 *plicants under this title.*

19 **TITLE X—TIJUANA RIVER VAL-**
20 **LEY ESTUARY AND BEACH**
21 **CLEANUP**

22 **SEC. 1001. SHORT TITLE.**

23 *This title may be cited as the “Tijuana River Valley*
24 *Estuary and Beach Sewage Cleanup Act of 2000”.*

1 **SEC. 1002. PURPOSE.**

2 *The purpose of this title is to authorize the United*
3 *States to take actions to address comprehensively the treat-*
4 *ment of sewage emanating from the Tijuana River area,*
5 *Mexico, that flows untreated or partially treated into the*
6 *United States causing significant adverse public health and*
7 *environmental impacts.*

8 **SEC. 1003. DEFINITIONS.**

9 *In this title, the following definitions apply:*

10 (1) *ADMINISTRATOR.—The term “Adminis-*
11 *trator” means the Administrator of the Environ-*
12 *mental Protection Agency.*

13 (2) *COMMISSION.—The term “Commission”*
14 *means the United States section of the International*
15 *Boundary and Water Commission, United States and*
16 *Mexico.*

17 (3) *IWTP.—The term “IWTP” means the South*
18 *Bay International Wastewater Treatment Plant con-*
19 *structed under the provisions of the Federal Water*
20 *Pollution Control Act (33 U.S.C. 1251 et seq.), section*
21 *510 of the Water Quality Act of 1987 (101 Stat. 80–*
22 *82), and Treaty Minutes to the Treaty for the Utiliza-*
23 *tion of Waters of the Colorado and Tijuana Rivers*
24 *and of the Rio Grande, dated February 3, 1944.*

25 (4) *SECONDARY TREATMENT.—The term “sec-*
26 *ondary treatment” has the meaning such term has*

1 *under the Federal Water Pollution Control Act and*
 2 *its implementing regulations.*

3 (5) *SECRETARY.*—*The term “Secretary” means*
 4 *the Secretary of State.*

5 (6) *MEXICAN FACILITY.*—*The term “Mexican fa-*
 6 *cility” means a proposed public-private wastewater*
 7 *treatment facility to be constructed and operated*
 8 *under this title within Mexico for the purpose of*
 9 *treating sewage flows generated within Mexico, which*
 10 *flows impact the surface waters, health, and safety of*
 11 *the United States and Mexico.*

12 (7) *MGD.*—*The term “mgd” means million gal-*
 13 *lons per day.*

14 **SEC. 1004. ACTIONS TO BE TAKEN BY THE COMMISSION AND**
 15 **THE ADMINISTRATOR.**

16 (a) *SECONDARY TREATMENT.*—

17 (1) *IN GENERAL.*—*Subject to the negotiation and*
 18 *conclusion of a new Treaty Minute or the amendment*
 19 *of Treaty Minute 283 under section 1005 of this Act,*
 20 *and notwithstanding section 510(b)(2) of the Water*
 21 *Quality Act of 1987 (101 Stat. 81), the Commission*
 22 *is authorized and directed to provide for the sec-*
 23 *ondary treatment of a total of not more than 50 mgd*
 24 *in Mexico—*

1 (A) of effluent from the IWTP if such treat-
2 ment is not provided for at a facility in the
3 United States; and

4 (B) of additional sewage emanating from
5 the Tijuana River area, Mexico.

6 (2) *ADDITIONAL AUTHORITY.*—Subject to the re-
7 sults of the comprehensive plan developed under sub-
8 section (b) revealing a need for additional secondary
9 treatment capacity in the San Diego-Tijuana border
10 region and recommending the provision of such ca-
11 pacity in Mexico, the Commission may provide not
12 more than an additional 25 mgd of secondary treat-
13 ment capacity in Mexico for treatment described in
14 paragraph (1).

15 (b) *COMPREHENSIVE PLAN.*—Not later than 24 months
16 after the date of the enactment of this Act, the Adminis-
17 trator shall develop a comprehensive plan with stakeholder
18 involvement to address the transborder sanitation problems
19 in the San Diego-Tijuana border region. The plan shall in-
20 clude, at a minimum—

21 (1) an analysis of the long-term secondary treat-
22 ment needs of the region;

23 (2) an analysis of upgrades in the sewage collec-
24 tion system serving the Tijuana area, Mexico; and

1 (3) *an identification of options, and rec-*
2 *ommendations for preferred options, for additional*
3 *sewage treatment capacity for future flows emanating*
4 *from the Tijuana River area, Mexico.*

5 (c) *CONTRACT.—*

6 (1) *IN GENERAL.—Subject to the availability of*
7 *appropriations to carry out this subsection and not-*
8 *withstanding any provision of Federal procurement*
9 *law, upon conclusion of a new Treaty Minute or the*
10 *amendment of Treaty Minute 283 under section 5, the*
11 *Commission may enter into a fee-for-services contract*
12 *with the owner of a Mexican facility in order to carry*
13 *out the secondary treatment requirements of sub-*
14 *section (a) and make payments under such contract.*

15 (2) *TERMS.—Any contract under this subsection*
16 *shall provide, at a minimum, for the following:*

17 (A) *Transportation of the advanced pri-*
18 *mary effluent from the IWTP to the Mexican fa-*
19 *cility for secondary treatment.*

20 (B) *Treatment of the advanced primary ef-*
21 *fluent from the IWTP to the secondary treatment*
22 *level in compliance with water quality laws of*
23 *the United States, California, and Mexico.*

24 (C) *Return conveyance from the Mexican*
25 *facility of any such treated effluent that cannot*

1 *be reused in either Mexico or the United States*
2 *to the South Bay Ocean Outfall for discharge*
3 *into the Pacific Ocean in compliance with water*
4 *quality laws of the United States and California.*

5 *(D) Subject to the requirements of sub-*
6 *section (a), additional sewage treatment capacity*
7 *that provides for advanced primary and sec-*
8 *ondary treatment of sewage described in sub-*
9 *section (a)(1)(B) in addition to the capacity re-*
10 *quired to treat the advanced primary effluent*
11 *from the IWTP.*

12 *(E) A contract term of 30 years.*

13 *(F) Arrangements for monitoring,*
14 *verification, and enforcement of compliance with*
15 *United States, California, and Mexican water*
16 *quality standards.*

17 *(G) Arrangements for the disposal and use*
18 *of sludge, produced from the IWTP and the*
19 *Mexican facility, at a location or locations in*
20 *Mexico.*

21 *(H) Payment of fees by the Commission to*
22 *the owner of the Mexican facility for sewage*
23 *treatment services with the annual amount pay-*
24 *able to reflect all agreed upon costs associated*
25 *with the development, financing, construction,*

1 *operation, and maintenance of the Mexican facil-*
2 *ity.*

3 *(I) Provision for the transfer of ownership*
4 *of the Mexican facility to the United States, and*
5 *provision for a cancellation fee by the United*
6 *States to the owner of the Mexican facility, if the*
7 *Commission fails to perform its obligations*
8 *under the contract. The cancellation fee shall be*
9 *in amounts declining over the term of the con-*
10 *tract anticipated to be sufficient to repay con-*
11 *struction debt and other amounts due to the*
12 *owner that remain unamortized due to early ter-*
13 *mination of the contract.*

14 *(J) Provision for the transfer of ownership*
15 *of the Mexican facility to the United States,*
16 *without a cancellation fee, if the owner of the*
17 *Mexican facility fails to perform the obligations*
18 *of the owner under the contract.*

19 *(K) To the extent practicable, the use of*
20 *competitive procedures by the owner of the Mexi-*
21 *can facility in the procurement of property or*
22 *services for the engineering, construction, and*
23 *operation and maintenance of the Mexican facil-*
24 *ity.*

1 (L) *An opportunity for the Commission to*
2 *review and approve the selection of contractors*
3 *providing engineering, construction, and oper-*
4 *ation and maintenance for the Mexican facility.*

5 (M) *The maintenance by the owner of the*
6 *Mexican facility of all records (including books,*
7 *documents, papers, reports, and other materials)*
8 *necessary to demonstrate compliance with the*
9 *terms of this Act and the contract.*

10 (N) *Access by the Inspector General of the*
11 *Department of State or the designee of the In-*
12 *spector General for audit and examination of all*
13 *records maintained pursuant to subparagraph*
14 *(M) to facilitate the monitoring and evaluation*
15 *required under subsection (d).*

16 (3) *LIMITATION.—The Contract Disputes Act of*
17 *1978 (41 U.S.C. 601–613) shall not apply to a con-*
18 *tract executed under this section.*

19 (d) *IMPLEMENTATION.—*

20 (1) *IN GENERAL.—The Inspector General of the*
21 *Department of State shall monitor the implementa-*
22 *tion of any contract entered into under this section*
23 *and evaluate the extent to which the owner of the*
24 *Mexican facility has met the terms of this section and*
25 *fulfilled the terms of the contract.*

1 (2) *REPORT.*—*The Inspector General shall trans-*
2 *mit to Congress a report containing the evaluation*
3 *under paragraph (1) not later than 2 years after the*
4 *execution of any contract with the owner of the Mexi-*
5 *can facility under this section, 3 years thereafter, and*
6 *periodically after the second report under this para-*
7 *graph.*

8 **SEC. 1005. NEGOTIATION OF NEW TREATY MINUTE.**

9 (a) *CONGRESSIONAL STATEMENT.*—*In light of the ex-*
10 *isting threat to the environment and to public health and*
11 *safety within the United States as a result of the river and*
12 *ocean pollution in the San Diego-Tijuana border region,*
13 *the Secretary is requested to give the highest priority to the*
14 *negotiation and execution of a new Treaty Minute, or a*
15 *modification of Treaty Minute 283, consistent with the pro-*
16 *visions of this title, in order that the other provisions of*
17 *this title to address such pollution may be implemented as*
18 *soon as possible.*

19 (b) *NEGOTIATION.*—

20 (1) *INITIATION.*—*The Secretary is requested to*
21 *initiate negotiations with Mexico, within 60 days*
22 *after the date of the enactment of this Act, for a new*
23 *Treaty Minute or a modification of Treaty Minute*
24 *283 consistent with the provisions of this title.*

1 (2) *IMPLEMENTATION.*—*Implementation of a*
2 *new Treaty Minute or of a modification of Treaty*
3 *Minute 283 under this title shall be subject to the pro-*
4 *visions of the National Environmental Policy Act of*
5 *1969 (42 U.S.C. 4321 et seq.).*

6 (3) *MATTERS TO BE ADDRESSED.*—*A new Trea-*
7 *ty Minute or a modification of Treaty Minute 283*
8 *under paragraph (1) should address, at a minimum,*
9 *the following:*

10 (A) *The siting of treatment facilities in*
11 *Mexico and in the United States.*

12 (B) *Provision for the secondary treatment of*
13 *effluent from the IWTP at a Mexican facility if*
14 *such treatment is not provided for at a facility*
15 *in the United States.*

16 (C) *Provision for additional capacity for*
17 *advanced primary and secondary treatment of*
18 *additional sewage emanating from the Tijuana*
19 *River area, Mexico, in addition to the treatment*
20 *capacity for the advanced primary effluent from*
21 *the IWTP at the Mexican facility.*

22 (D) *Provision for any and all approvals*
23 *from Mexican authorities necessary to facilitate*
24 *water quality verification and enforcement at the*
25 *Mexican facility.*

1 (E) Any terms and conditions considered
2 necessary to allow for use in the United States
3 of treated effluent from the Mexican facility, if
4 there is reclaimed water which is surplus to the
5 needs of users in Mexico and such use is con-
6 sistent with applicable United States and Cali-
7 fornia law.

8 (F) Any other terms and conditions consid-
9 ered necessary by the Secretary in order to im-
10 plement the provisions of this title.

11 **SEC. 1006. AUTHORIZATION OF APPROPRIATIONS.**

12 There are authorized to be appropriated such sums as
13 may be necessary to carry out this title.

Attest:

Clerk.

106TH CONGRESS
2D SESSION

S. 835

AMENDMENT