

103D CONGRESS
1ST SESSION

H. R. 1759

To assist in the restoration of the Chesapeake Bay, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 21, 1993

Mr. CARDIN (for himself, Mr. HOYER, Mrs. BENTLEY, Mr. MFUME, Mrs. MORELLA, Mr. GILCHREST, Mr. WYNN, Mr. BARTLETT of Maryland, Mr. BATEMAN, Mr. BLILEY, Ms. BYRNE, Mr. MORAN, Mr. WOLF, Mr. BOUCHER, Mr. SISISKY, Mr. MURPHY, Mr. GOODLING, Mr. WELDON, and Mr. BLACKWELL) introduced the following bill; which was referred jointly to the Committees on Merchant Marine and Fisheries, Public Works and Transportation, and Science, Space, and Technology

A BILL

To assist in the restoration of the Chesapeake Bay, and
for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Chesapeake Bay Res-
5 toration Act of 1993”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

1 (1) the Chesapeake Bay is a national treasure
2 and a resource of worldwide significance;

3 (2) in recent years, the productivity and water
4 quality of the Chesapeake Bay and the tributaries of
5 the Bay have been diminished by pollution, excessive
6 sedimentation, shoreline erosion, the impacts of
7 growth and development of population in the Chesapeake
8 Bay watershed, and other factors;

9 (3) the Federal Government, State govern-
10 ments, the District of Columbia, and the govern-
11 ments of political subdivisions of the States with ju-
12 risdiction over the Chesapeake Bay watershed have
13 committed to a comprehensive and cooperative pro-
14 gram to achieve improved water quality and im-
15 provements in the productivity of living resources of
16 the Bay;

17 (4) the cooperative program described in para-
18 graph (3) serves as a national model for the man-
19 agement of estuaries; and

20 (5) there is a need to expand Federal support
21 for research, monitoring, management, and restora-
22 tion activities in the Chesapeake Bay and the tribu-
23 taries of the Bay in order to meet and further the
24 goals and commitments of the Chesapeake Bay Pro-
25 gram.

1 (b) PURPOSES.—The purposes of this Act are to—

2 (1) expand and strengthen the cooperative ef-
3 forts to restore and protect the Chesapeake Bay;
4 and

5 (2) achieve the goals embodied in the Chesa-
6 peake Bay Agreement.

7 **SEC. 3. DEFINITIONS.**

8 As used in this Act, the following definitions apply:

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

12 (2) CHESAPEAKE BAY AGREEMENT.—The term
13 “Chesapeake Bay Agreement” means the formal,
14 voluntary agreements executed to achieve the goal of
15 restoring and protecting the Chesapeake Bay eco-
16 system and the living resources of the ecosystem and
17 signed by the Governor of the State of Maryland,
18 the Governor of the State of Pennsylvania, the Gov-
19 ernor of the State of Virginia, the mayor of the Dis-
20 trict of Columbia, the chairman of the tri-State
21 Chesapeake Bay Commission, and the Adminis-
22 trator, on behalf of the executive branch of the
23 Federal Government.

24 (3) CHESAPEAKE BAY PROGRAM.—The term
25 “Chesapeake Bay Program” means the program di-

1 rected by the Chesapeake Executive Council in ac-
2 cordance with the Chesapeake Bay Agreement.

3 (4) CHESAPEAKE BAY WATERSHED.—The term
4 “Chesapeake Bay watershed” shall have such mean-
5 ing as the Administrator determines appropriate to
6 carry out the objectives of this Act.

7 (5) CHESAPEAKE EXECUTIVE COUNCIL.—The
8 term “Chesapeake Executive Council” means the
9 signatories of the Chesapeake Bay Agreement.

10 (6) PERSON.—The term “person” includes a
11 State or a political subdivision of a State, interstate,
12 or regional agency or entity, or any other public or
13 nonprofit private agency, institution, or organiza-
14 tion.

15 **SEC. 4. MANAGEMENT OF CHESAPEAKE BAY PROGRAM.**

16 (a) IN GENERAL.—Section 117 of the Federal Water
17 Pollution Control Act (33 U.S.C. 1267) is amended—

18 (1) by striking subsection (a);

19 (2) by redesignating subsections (b) through (d)
20 as subsections (c) through (e), respectively; and

21 (3) by inserting before subsection (c) (as so re-
22 designated) the following new subsections:

23 “(a) DEFINITIONS.—As used in this section:

24 “(1) CHESAPEAKE BAY AGREEMENT.—The
25 term ‘Chesapeake Bay Agreement’ means the for-

1 mal, voluntary agreements executed to achieve the
2 goal of restoring and protecting the Chesapeake Bay
3 ecosystem and the living resources of the ecosystem
4 and signed by the Governor of the State of Mary-
5 land, the Governor of the Commonwealth of Penn-
6 sylvania, the Governor of the Commonwealth of Vir-
7 ginia, the mayor of the District of Columbia, the
8 chairman of the tri-State Chesapeake Bay Commis-
9 sion, and the Administrator, on behalf of the execu-
10 tive branch of the Federal Government.

11 “(2) CHESAPEAKE BAY PROGRAM.—The term
12 ‘Chesapeake Bay Program’ means the program di-
13 rected by the Chesapeake Executive Council in ac-
14 cordance with the Chesapeake Bay Agreement.

15 “(3) CHESAPEAKE EXECUTIVE COUNCIL.—The
16 term ‘Chesapeake Executive Council’ means the sig-
17 natories of the Chesapeake Bay Agreement.

18 “(b) CONTINUATION OF CHESAPEAKE BAY PRO-
19 GRAM.—

20 “(1) IN GENERAL.—In cooperation with the
21 Chesapeake Executive Council and as a member of
22 the Council, the Administrator shall continue the
23 Chesapeake Bay Program.

24 “(2) PROGRAM OFFICE.—The Administrator
25 shall maintain in the Environmental Protection

1 Agency a Chesapeake Bay Program Office. The
2 Chesapeake Bay Program Office shall provide sup-
3 port to the Chesapeake Executive Council—

4 “(A) by implementing and coordinating
5 science, research, modeling, support services,
6 monitoring, and data collection activities that
7 support the Chesapeake Bay Program;

8 “(B) by making available, through publica-
9 tions, technical assistance, and other appro-
10 priate means, information pertaining to the en-
11 vironmental quality and living resources of the
12 Chesapeake Bay Program;

13 “(C) by assisting, in cooperation with ap-
14 propriate Federal, State, and local authorities,
15 the signatories to the Chesapeake Bay Agree-
16 ment that participate in the Chesapeake Bay
17 Program in developing and implementing spe-
18 cific action plans to carry out the responsibil-
19 ities of the authorities under the Chesapeake
20 Bay Agreement;

21 “(D) by assisting the Administrator in co-
22 ordinating the actions of the Environmental
23 Protection Agency with the actions of the ap-
24 propriate officials of other Federal agencies and

1 State and local authorities in developing strate-
2 gies—

3 “(i) to improve the water quality and
4 living resources of the Bay; and

5 “(ii) to obtain the support of the ap-
6 propriate officials of the agencies and au-
7 thorities in achieving the objectives of the
8 Chesapeake Bay Agreement; and

9 “(E) by implementing outreach programs
10 for public information, education, and participa-
11 tion to foster stewardship of the resources of
12 the Chesapeake Bay.”.

13 (b) INTERAGENCY COOPERATION AND COORDINA-
14 TION.—

15 (1) IN GENERAL.—There is established a
16 Chesapeake Bay Federal Agencies Committee (here-
17 inafter in this subsection referred to as the “Com-
18 mittee”).

19 (2) PURPOSES.—The purposes of the Commit-
20 tee shall be—

21 (A) to facilitate the collaboration, coopera-
22 tion, and coordination among Federal agencies
23 and programs of Federal agencies in support of
24 the restoration of the Chesapeake Bay;

1 (B) to ensure the integration of Federal
2 activities relating to the restoration of the
3 Chesapeake Bay with State and local restora-
4 tion activities and the restoration activities of
5 nongovernmental entities; and

6 (C) to provide a framework for activities
7 that effectively focus the expertise and re-
8 sources of Federal agencies on problems identi-
9 fied by the Committee in such manner as to
10 produce demonstrable environmental results
11 and demonstrable improvements in the agency
12 programs.

13 (3) DUTIES OF THE COMMITTEE.—The Com-
14 mittee shall share information, set priorities, and de-
15 velop and implement plans, programs, and projects
16 for collaborative activities to carry out the following
17 duties:

18 (A) Reviewing all Federal research, mon-
19 itoring, regulatory, planning, educational, finan-
20 cial and technical assistance, and other pro-
21 grams that the Committee determines to be ap-
22 propriate, that relate to the maintenance, res-
23 toration, preservation or enhancement of the
24 environmental quality and natural resources of
25 the Chesapeake Bay.

1 (B) Reviewing each Federal program ad-
2 ministered by the head of each participating
3 Federal agency that may influence or contribute
4 to point and nonpoint source pollution and es-
5 tablish a means for the mitigation of any poten-
6 tial impacts of the pollution.

7 (C) Developing and implementing an an-
8 nual and long-range work program that speci-
9 fies the responsibilities of each Federal agency
10 in meeting commitments and goals of the
11 Chesapeake Bay Agreement.

12 (D) Assessing priority needs and making
13 recommendations to the Chesapeake Executive
14 Council for improved environmental and living
15 resources management of the Chesapeake Bay
16 ecosystem.

17 (4) APPOINTMENT OF MEMBERS.—The mem-
18 bers of the Committee shall be appointed as follows:

19 (A) At least 1 member who is an employee
20 of the Environmental Protection Agency shall
21 be appointed by the Administrator.

22 (B) At least 1 member who is an employee
23 of the National Oceanic and Atmospheric Ad-
24 ministration of the Department of Commerce

1 shall be appointed by the Secretary of Com-
2 merce.

3 (C) At least 3 members shall be appointed
4 by the Secretary of the Interior, of whom—

5 (i) 1 member shall be an employee of
6 the United States Fish and Wildlife Serv-
7 ice;

8 (ii) 1 member shall be an employee of
9 the National Park Service; and

10 (iii) 1 member shall be an employee of
11 the United States Geological Survey.

12 (D) At least 4 members shall be appointed
13 by the Secretary of Agriculture, of whom—

14 (i) 1 member shall be an employee of
15 the Soil Conservation Service;

16 (ii) 1 member shall be an employee of
17 the Forest Service;

18 (iii) 1 member shall be an employee of
19 the Agricultural Stabilization and Con-
20 servation Service; and

21 (iv) 1 member shall be an employee of
22 the Extension Service.

23 (E) At least 3 members shall be appointed
24 by the Secretary of Defense, of whom—

1 (i) At least 2 members shall be em-
2 ployees of the United States Army, of
3 whom 1 member shall be an employee of
4 the Army Corps of Engineers; and

5 (ii) 1 member shall be an employee of
6 the United States Navy.

7 (F) At least 1 member who is an employee
8 of the Federal Highway Administration shall be
9 appointed by the Secretary of Transportation.

10 (G) At least 1 member who is an employee
11 of the Coast Guard shall be appointed by the
12 head of the department in which the Coast
13 Guard is operating.

14 (H) At least 1 member shall be appointed
15 by the Secretary of Housing and Urban Devel-
16 opment.

17 (I) At least 1 member shall be appointed
18 by Board of Regents of the Smithsonian Insti-
19 tution.

20 (5) CHAIRPERSON.—At the initial meeting of
21 the Committee and biennially thereafter, the Com-
22 mittee shall select a Chairperson from among the
23 members of the Committee.

24 (6) PROCEDURES.—The Committee may estab-
25 lish such rules and procedures (including rules and

1 procedures relating to the internal structure and
2 function of the Committee) as the Committee deter-
3 mines to be necessary to best fulfill the responsibil-
4 ities of the Committee.

5 (7) MEETINGS.—The initial meeting of the
6 Committee shall be not later than 60 days after the
7 date of enactment of this Act. Subsequent meetings
8 shall be held on a regular basis at the call of the
9 Chairperson.

10 (c) REPORTS.—Beginning with the submission by the
11 President of the budget of the United States relating to
12 the first fiscal year beginning after the date of enactment
13 of this Act, the head of each Federal agency shall submit
14 to the President a report to be submitted to Congress
15 along with the budget of the United States that identi-
16 fies—

17 (1) the activities that have been carried out or
18 are being undertaken to carry out the responsibil-
19 ities of the Federal agency under this section or that
20 are otherwise required under the Chesapeake Bay
21 Program;

22 (2) planned activities to carry out the respon-
23 sibilities referred to in paragraph (1); and

24 (3) the resources provided by the Federal agen-
25 cy to meet the responsibilities of the agency under

1 this section and under the Chesapeake Bay Pro-
2 gram.

3 **SEC. 5. COMPLIANCE BY FEDERAL FACILITIES.**

4 (a) IN GENERAL.—

5 (1) IN GENERAL.—Not later than 12 months
6 after the date of enactment of this Act and annually
7 thereafter, the head of each Federal agency that
8 owns or operates a facility (as defined by the Admin-
9 istrator) within the Chesapeake Bay watershed shall
10 perform an assessment of the facility for the purpose
11 of ensuring consistency and compliance with the
12 commitments, goals, and objectives of the Ches-
13 apeake Bay Program.

14 (2) ASSESSMENT.—The assessment referred to
15 in paragraph (1) shall identify any existing or poten-
16 tial impact on the water quality or living resources
17 of the Chesapeake Bay (or both) by the facility, in-
18 cluding any potential land-use impacts of activities
19 related to new development, man-made obstructions
20 to fish passage, shoreline erosion, and ground water
21 and storm water runoff.

22 (3) STATE PLANS AND PROGRAMS.—To the
23 maximum extent practicable, each Federal agency
24 that owns or occupies real property in the Ches-
25 apeake Bay watershed shall ensure conformance with

1 any applicable State plans and programs to protect
2 environmentally sensitive areas in the Chesapeake
3 Bay watershed.

4 (b) REPORT REQUIREMENTS.—As part of each re-
5 port required under section 4(c), the head of each Federal
6 agency shall include a detailed plan, funding mechanism,
7 and schedule for addressing or mitigating the impacts re-
8 ferred to in subsection (a).

9 **SEC. 6. CHESAPEAKE BAY WATERSHED, TRIBUTARY, AND**
10 **RIVER BASIN PROGRAM.**

11 (a) IN GENERAL.—Not later than 6 months after the
12 date of enactment of this Act, the Administrator, in co-
13 operation with the Chesapeake Executive Council, the Sec-
14 retary of Commerce (acting through the Administrator of
15 the National Oceanic and Atmospheric Administration),
16 the Secretary of the Interior (acting through the Director
17 of the United States Fish and Wildlife Service), and the
18 heads of such other Federal agencies as the Administrator
19 determines to be appropriate, shall implement a coordi-
20 nated research, monitoring, and data collection program—

21 (1) to assess the status of, and trends in, the
22 environmental quality and living resources of the
23 major tributaries, rivers, and streams within the
24 Chesapeake Bay watershed; and

1 (2) to assist in the development of management
2 plans for the waters referred to in paragraph (1).

3 (b) CONTENTS OF PROGRAM.—The program referred
4 to in subsection (a) shall include—

5 (1) a comprehensive inventory of water quality
6 and living resource data for waters within the
7 Chesapeake Bay watershed;

8 (2) an assessment of major issues and problems
9 concerning water quality in the Chesapeake Bay wa-
10 tershed, including the extent to which the waters
11 provide for the protection and propagation of a bal-
12 anced indigenous population of fish, shellfish, and
13 wildlife;

14 (3) a program to identify sources of water pol-
15 lution within the Chesapeake Bay watershed, includ-
16 ing a system of accounting for sources of nutrients,
17 and the movement of nutrients, pollutants, and sedi-
18 ments through the Chesapeake Bay watershed; and

19 (4) the development of a coordinated Chesa-
20 peake Bay watershed land-use database that incor-
21 porates resource inventories and analyses—

22 (A) for the evaluation of the effects of dif-
23 ferent land-use patterns on hydrological cycles,
24 water quality, living resources, and other envi-
25 ronmental features; and

1 (B) as an aid to making sound land-use
2 management decisions.

3 (c) MANAGEMENT PLANS.—In a manner consistent
4 with each applicable deadline established by the Chesapeake
5 Executive Council, the Administrator, in consultation
6 with the Council, shall assist each member of the
7 Council in the development and implementation of a management
8 strategy for each of the major tributaries of the
9 Chesapeake Bay, designed for the achievement of—

10 (1) a reduction, in a manner consistent with the
11 terms of the Chesapeake Bay Agreement, in the
12 quantity of nitrogen and phosphorous entering the
13 main stem Chesapeake Bay; and

14 (2) the water quality requirements necessary to
15 restore living resources in both the tributaries and
16 the main stem of the Chesapeake Bay.

17 (d) ASSISTANCE.—

18 (1) IN GENERAL.—The Administrator, in consultation
19 with the Chesapeake Executive Council, is authorized
20 to provide technical and financial assistance to any
21 State government, interstate entity, local government,
22 or any other public or nonprofit private agency,
23 institution, or organization in the Chesapeake Bay
24 watershed—

1 (A) to support the research, monitoring,
2 and data collection program under this section;

3 (B) to develop and implement cooperative
4 tributary basin strategies that address the
5 water quality and living resource needs de-
6 scribed in paragraph (2); and

7 (C) to encourage and coordinate locally
8 based public and private watershed protection
9 and restoration efforts that aid in the develop-
10 ment and implementation of programs that
11 complement the tributary basin strategies devel-
12 oped by the Chesapeake Executive Council.

13 (2) GRANTS.—

14 (A) IN GENERAL.—In providing financial
15 assistance pursuant to paragraph (1), the Ad-
16 ministrator may carry out a grant program.
17 Under the grant program, the Administrator
18 may award a grant to any person (including the
19 government of a State) who submits an applica-
20 tion that is approved by the Administrator.

21 (B) FEDERAL SHARE.—A grant awarded
22 under this subsection for a fiscal year shall—

23 (i) not exceed an amount equal to 75
24 percent of the total annual cost of carrying

1 out the activities that are the subject of
2 the grant; and

3 (ii) be awarded on the condition that
4 the non-Federal share of the costs of the
5 activities that are the subject of the grant
6 is paid from non-Federal sources.

7 (C) WATERSHED PROTECTION AND RES-
8 TORATION.—As part of the grant program au-
9 thorized under this paragraph, the Adminis-
10 trator may award a grant to a member of the
11 Council to implement a program referred to in
12 paragraph (1)(C).

13 (3) PRIORITIZATION.—In carrying out the tech-
14 nical and financial assistance program under this
15 subsection, the Administrator shall give priority to
16 proposals that facilitate the participation of local
17 governments and entities of the private sector in ef-
18 forts to improve water quality and the productivity
19 of living resources of rivers and streams in the
20 Chesapeake Bay watershed.

21 (4) COORDINATION WITH OTHER FEDERAL
22 PROGRAMS.—The Administrator shall ensure that
23 assistance made available under this subsection—

24 (A) is consistent with the requirements of
25 other Federal financial assistance programs;

1 (B) is provided in coordination with the
2 programs referred to in subparagraph (A); and

3 (C) furthers the objectives of the Chesapeake Bay Program.
4

5 **SEC. 7. HABITAT RESTORATION AND ENHANCEMENT DEMONSTRATION PROGRAM.**
6

7 (a) IN GENERAL.—

8 (1) HABITAT RESTORATION AND DESIGN PROGRAM.—The Administrator, in cooperation with the
9 officials listed in paragraph (2), shall establish a
10 habitat restoration and design program in the
11 Chesapeake Bay watershed for the purpose of developing and demonstrating low-cost techniques for re-
12 storing or enhancing wetlands, forest riparian zones,
13 and other types of habitat associated with the
14 Chesapeake Bay and the tributaries of the Chesapeake Bay. Such program may be carried out by the
15 Administrator or through the provision of assistance
16 under subsection (e), or both.
17

18 (2) GOVERNMENTAL OFFICIALS.—The officials
19 the Administrator is to cooperate with under this
20 subsection are—
21

22 (A) the Secretary of the Interior, acting
23 through the Director of the United States Fish
24 and Wildlife Service;
25

1 (B) the Secretary of Commerce, acting
2 through the Administrator of the National Oce-
3 anic and Atmospheric Administration;

4 (C) the Secretary of Defense, acting
5 through the Assistant Secretary of the Army
6 for Civil Works;

7 (D) the Secretary of Agriculture, acting
8 through the Chief of the Forest Service; and

9 (E) the heads of such other Federal agen-
10 cies and departments and agencies of a State or
11 political subdivision of a State as the Adminis-
12 trator determines to be appropriate.

13 (b) CRITERIA FOR IDENTIFICATION OF AREAS OF
14 SPECIAL CONCERN.—Not later than 1 year after the date
15 of enactment of this Act, the Administrator, in consulta-
16 tion with the Chesapeake Executive Council, shall develop
17 criteria to identify areas of special concern, including—

18 (1) unique, significant, or representative habitat
19 types;

20 (2) areas that are subject to, or threatened by,
21 habitat loss or habitat degradation (or both) attrib-
22 utable to human or natural causes; and

23 (3) areas inhabited by endangered, threatened,
24 rare species, neotropical migratory birds, or species

1 that have a unique function within the Chesapeake
2 Bay ecosystem.

3 (c) PLAN.—Not later than 2 years after the date of
4 enactment of this Act, the Administrator, in consultation
5 with the Chesapeake Executive Council, shall develop a
6 plan for the protection and conservation of wetlands, con-
7 tiguous riparian forests, and other habitats within the
8 Chesapeake Bay watershed.

9 (d) DUTIES OF THE ADMINISTRATOR.—In carrying
10 out the demonstration program under this section, the Ad-
11 ministrator, in consultation with the Chesapeake Execu-
12 tive Council, shall—

13 (1) identify opportunities for the restoration
14 and mitigation of major habitat resources in the
15 Chesapeake Bay watershed;

16 (2) characterize the historical importance of the
17 habitat resources identified pursuant to paragraph
18 (1) to the health and functioning of the Chesapeake
19 Bay ecosystem;

20 (3) conduct a preresoration characterization
21 assessment of each habitat resource identified pursu-
22 ant to paragraph (1) to evaluate with respect to the
23 habitat resource—

24 (A) the potential effectiveness of a restora-
25 tion effort;

1 (B) mitigation options; and

2 (C) the cost-effectiveness of each effort or
3 option referred to in subparagraphs (A) and
4 (B);

5 (4) consider the degree to which reconstructed
6 and enhanced habitats may—

7 (A) mitigate the effects of nutrient loading
8 caused by nonpoint source pollution from devel-
9 oped areas and agricultural activities;

10 (B) reduce erosion and mitigate flood dam-
11 age; and

12 (C) assist in the protection or recovery of
13 living resources;

14 (5) ensure coordination with all existing man-
15 agement, regulatory, and incentive programs;

16 (6) to accomplish the purposes of the dem-
17 onstration program under this section, test materials
18 and techniques for restoration and enhancement, in-
19 cluding dredge material, submerged aquatic vegeta-
20 tion plantings, breakwaters, forest buffer strips, and
21 artificial wetlands;

22 (7) monitor and evaluate the effectiveness of
23 the demonstration projects;

24 (8) establish and maintain a central clearing-
25 house to facilitate access to information related to

1 habitat of the Chesapeake Bay watershed, including
2 information relating to—

3 (A) habitat—

4 (i) location;

5 (ii) type;

6 (iii) acreage;

7 (iv) function;

8 (v) condition and status; and

9 (vi) restoration and design techniques;

10 and

11 (B) trends related to the information re-
12 ferred to in subparagraph (A); and

13 (9) develop and carry out educational programs
14 (including training programs), research programs,
15 and programs for technical assistance to assist in
16 the efforts of State and local governments and pri-
17 vate citizens related to habitat restoration and en-
18 hancement, including efforts for habitat—

19 (A) identification;

20 (B) delineation;

21 (C) mapping;

22 (D) functional assessment and mitigation;

23 and

24 (E) restoration or creation practices.

25 (e) ASSISTANCE.—

1 (1) IN GENERAL.—In carrying out the dem-
2 onstration program under this section, the Adminis-
3 trator is authorized to provide, in cooperation with
4 the Chesapeake Executive Council, technical assist-
5 ance and financial assistance in the form of a grant
6 to any State government, interstate entity, local gov-
7 ernment, or any other public or nonprofit private
8 agency that submits an approved application.

9 (2) FEDERAL SHARE.—The Federal share of
10 any project conducted under this section shall be—

11 (A) 100 percent of the cost of the project
12 if the project is conducted on land owned or
13 leased by the Federal Government; and

14 (B) 75 percent of the cost of the project if
15 the project is conducted on land that is not
16 owned or leased by the Federal Government.

17 (f) HABITAT PROTECTION AND RESTORATION
18 PROGRESS ASSESSMENT.—Not later than 3 years after
19 the date of enactment of this Act and biennially thereafter,
20 the Administrator shall submit a report to Congress con-
21 cerning the results of the demonstration projects con-
22 ducted under the habitat restoration and design program
23 described in subsection (a). The report shall also include
24 a summary of scientific information concerning habitat
25 restoration and protection in existence at the time of prep-

1 aration of the report, and a description of methods, proce-
2 dures, and processes to assist State and local governments
3 and other interested entities in carrying out activities for
4 the protection and restoration of wetlands, contiguous ri-
5 parian forests, and other types of critical habitat that the
6 Administrator determines to be appropriate.

7 **SEC. 8. BASINWIDE TOXICS REDUCTION.**

8 (a) IN GENERAL.—The Administrator, in cooperation
9 with the Chesapeake Executive Council, shall implement
10 a comprehensive basinwide toxics reduction strategy (here-
11 inafter in this section referred to as the “Basinwide Toxics
12 Reduction Strategy”) that, with respect to the reduction
13 of inputs of toxic pollutants to the Chesapeake Bay and
14 the tributaries of the Bay—

- 15 (1) establishes basinwide objectives; and
16 (2) describes actions that are necessary to
17 achieve a multijurisdictional approach to the reduc-
18 tion of the inputs.

19 (b) RESEARCH AND MONITORING.—

20 (1) IN GENERAL.—The Administrator shall un-
21 dertake such research and monitoring activities as
22 the Administrator determines to be necessary for the
23 improvement of the understanding of intermedia
24 transfers of toxic pollutants and the ultimate fate of
25 the pollutants within the Chesapeake Bay ecosystem.

1 (2) REASSESSMENT OR REVISION.—The Admin-
2 istrator shall—

3 (A) take into account the results of the re-
4 search and analysis referred to in paragraph
5 (1) in any reassessment of the Basinwide
6 Toxics Reduction Strategy; and

7 (B) incorporate the results in any related
8 revision of the Basinwide Toxics Reduction
9 Strategy.

10 (c) FINANCIAL ASSISTANCE.—

11 (1) IN GENERAL.—The Administrator, in co-
12 operation with the Chesapeake Executive Council,
13 shall provide such financial and technical assistance
14 as the Administrator determines to be necessary—

15 (A) to develop, by not later than 1 year
16 after the date of enactment of this Act, a proc-
17 ess to assist members of the Council—

18 (i) with improving the identification of
19 the sources and transport mechanisms of
20 toxic pollutant loadings to the Chesapeake
21 Bay and the tributaries of the Bay from
22 point and nonpoint sources; and

23 (ii) with the periodic integration, in a
24 consistent format and manner, of the in-
25 formation obtained pursuant to clause (i)

1 into a toxics loading inventory for the
2 Chesapeake Bay maintained pursuant to
3 the Chesapeake Bay Program (hereinafter
4 in this section referred to as the “Chesa-
5 peake Bay Program Toxics Loading Inven-
6 tory”); and

7 (B) to commence, by not later than 2 years
8 after the date of enactment of this Act, the im-
9 plementation of toxics reduction, pollution pre-
10 vention, and management actions designed to
11 achieve the toxics reduction goals of the Chesa-
12 peake Bay Agreement.

13 (2) ACTIONS.—The toxics reduction, pollution
14 prevention, and management actions referred to in
15 paragraph (1)(B) shall—

16 (A) be based upon the findings and rec-
17 ommendations of a reevaluation of the
18 Basinwide Toxics Reduction Strategy; and

19 (B) include targeted demonstration
20 projects designed to reduce the level of toxic
21 pollutant loadings from major sources identified
22 in the Chesapeake Bay Program Toxics Load-
23 ing Inventory.

1 **SEC. 9. STUDY OF CHESAPEAKE BAY PROGRAM.**

2 Not later than January 1, 1996, the Administrator,
3 in cooperation with the Chesapeake Bay Executive Coun-
4 cil, shall complete a study and submit a comprehensive
5 report to Congress on the results of the study. The study
6 and report shall, at a minimum—

7 (1) evaluate the implementation of the Chesa-
8 peake Bay Agreement, including activities of the
9 Federal Government and State and local govern-
10 ments;

11 (2) determine whether Federal environmental
12 programs and other activities adequately address the
13 priority needs identified in the Chesapeake Bay
14 Agreement;

15 (3) assess the priority needs required by the
16 Chesapeake Bay Program management strategies
17 and how the priorities are being met; and

18 (4) make recommendations for the improved
19 management of the Chesapeake Bay Program.

20 **SEC. 10. AUTHORIZATIONS.**

21 (a) FEDERAL WATER POLLUTION CONTROL ACT.—

22 (1) PROGRAM OFFICE.—Section 117(d)(1) of
23 the Federal Water Pollution Control Act (33 U.S.C.
24 1267(d)(1)) is amended by striking “ 1987, 1988,
25 1989, and 1990” and inserting “1987 through
26 1999”.

1 (2) OTHER AUTHORIZATION.—Section
2 117(d)(2) of the Federal Water Pollution Control
3 Act (33 U.S.C. 1267(d)(2)) is amended by striking
4 “1987, 1988, 1989, and 1990” and inserting “1987
5 through 1999”.

6 (b) ADDITIONAL AUTHORIZATION.—There are au-
7 thorized to be appropriated to the Environmental Protec-
8 tion Agency to carry out activities under this Act that are
9 not funded under section 117 of the Federal Water Pollu-
10 tion Control Act (33 U.S.C. 1267)—

- 11 (1) \$10,000,000 for fiscal year 1994;
12 (2) \$11,000,000 for fiscal year 1995;
13 (3) \$12,000,000 for fiscal year 1996;
14 (4) \$13,000,000 for fiscal year 1997;
15 (5) \$14,000,000 for fiscal year 1998; and
16 (6) \$15,000,000 for fiscal year 1999.

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